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## **RULE 1001-1**

### **INTRODUCTION AND GENERAL STATEMENT OF ADOPTION AND APPLICATION OF LOCAL RULES**

A. The title of these rules is "Local Rules, United States Bankruptcy Court, Northern District of Florida." They may be cited as "N.D. Fla. LBR\_."

B. These rules shall take effect on June 1, 1997, and shall apply in said United States Bankruptcy Court to all cases, and to all matters and proceedings arising in or related to cases under Title 11, United States Code (the Bankruptcy Code) then pending and thereafter filed, except to the extent that in the opinion of the Court their application in a pending case, matter or proceeding would not be feasible or would work an injustice.

C. For cause, on motion of a party in interest or *sua sponte*, the Court may direct that one or more provisions of these rules not apply in a case, matter, or proceeding.

D. The Local Rules of the United States District Court, Northern District of Florida shall apply in all bankruptcy cases, including contested matters and adversary proceedings, to the extent applicable and to the extent not inconsistent with the bankruptcy rules and the local bankruptcy rules for the Northern District of Florida.

E. Definitions: The terms "Court", "Clerk", and "Judge" when those appear in applicable District Court Local Rules shall mean the Bankruptcy Court, Bankruptcy Clerk, and Bankruptcy Judge, respectively, unless inconsistent with the language or meaning of the particular District Court Local Rule.

## **RULE 1005-1**

### **PETITION - CAPTION**

A petition filed on behalf of an individual or an individual and such individual's spouse shall not include the

name of any corporation, partnership, limited partnership, or joint venture.

## **RULE 1007-1**

### **LISTS, SCHEDULES, & STATEMENTS**

A. The following shall accompany and be filed with the petition:

(1) CHAPTER 7, 12, or 13:

(a) LIST OF CREDITORS (Names and Addresses) unless the petition is accompanied by a schedule of liabilities or a Chapter 13 statement.

(b) MASTER MAILING MATRIX and ATTORNEYS MATRIX. (see Local Rule 1007-2)

(c) FILING FEE.

(2) CHAPTER 9 or 11:

(a) LIST OF CREDITORS (Names and Addresses) unless the petition is accompanied by a schedule of liabilities.

(b) EXHIBIT "A" TO OFFICIAL FORM NO. 1, IF DEBTOR IS A CORPORATION.

(c) LIST OF TWENTY LARGEST UNSECURED CREDITORS EXCLUDING INSIDERS.

(d) MASTER MAILING MATRIX and ATTORNEYS MATRIX. (see Local Rule 1007-2)

(e) FILING FEE.

## B. Chapter 13 Statement and Plan:

The original and three copies of the Chapter 13 Statement must be filed within the time limits specified in Bankruptcy Rule 1007(c). Schedule B-4 must accompany the Statement.

## **RULE 1007-2**

### **MAILING LIST OR MATRIX**

The master matrix shall include first the name and address of the debtor followed by names and addresses of all creditors listed in alphabetical order. The attorneys matrix shall include the names and addresses of the debtor, the debtor's attorney, and the U.S. Trustee. Both the master matrix and the attorneys matrix must be an original, not a duplication. The form must be a Xerox 33 block or similar product.

## **RULE 1009-1**

### **AMENDMENTS TO LISTS AND SCHEDULES**

A. Amendments to Schedules, Voluntary Petitions, Lists, and Statements of Affairs may be made by filing the original with the Clerk. Amendments must contain a caption including the case number and the title and should only contain additional or deleted information. The amendment must be executed and acknowledged by the debtor and attorney of record in the same manner that the item being amended was originally executed.

B. The debtor shall give notice of the amendment to any entity affected thereby, the trustee, and to the U.S. Trustee's office. A certificate of service shall be filed with the Clerk.

C. Amendments adding additional creditors to the schedules require the appropriate filing fee and shall be accompanied by an additional mailing matrix which contains the names and addresses of only the creditors being added.

**RULE 1017-2****DISMISSAL - CASE OR PROCEEDINGS**

Failure to comply with these Rules may be grounds for dismissal of a case.

**RULE 1019-1****CONVERSION**

In cases converted to Chapter 7, the debtor-in-possession or the trustee shall file an original and four (4) copies of all lists, schedules, and statements required by Bankruptcy Rule 1007, on the official forms with the debtor's signatures, which accurately reflect the condition of the debtor's estate at the time of conversion. The lists, schedules, and statements shall be filed within the time provided in Bankruptcy Rule 1007 and 1019(1)(A). The final report and schedule of post-petition debts shall be filed within the time provided in Bankruptcy Rule 1019(1)(A).

**RULE 1020-1****CHAPTER 11 SMALL BUSINESS CASES - GENERAL**

**ELECTION TO BE CONSIDERED A SMALL BUSINESS IN A CHAPTER 11 REORGANIZATION CASE.** In a Chapter 11 reorganization case, a debtor that is a small business may elect to be considered a small business by filing a pleading and appropriate certificate of service so indicating the election no later than sixty (60) days after the date of the order for relief or by a later date as the Court, for cause, may fix.

**RULE 1070-1****JURISDICTION**

Motions other than those filed in adversary proceedings shall be deemed to be core proceedings unless a response asserting that the matter should be treated as a non-core proceeding is filed within the time provided in Rule 9013-2.

## **RULE 2002-1**

### **NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

A party in interest who desires to receive copies of pleadings and notices shall:

A. File a request with the Clerk;

B. Serve a copy of the request on the debtor or debtor's attorney, the attorney for the debtor- in- possession, the trustee, the attorney for the trustee and the U.S. Trustee; and

C. Attach to the request filed with the Clerk a certificate of service which states to whom a copy of the request has been given.

## **RULE 2003-1**

### **MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS**

Section 341 Meetings will not be continued except for good cause shown. All requests for continuances must be made through the U.S. Trustee's Office in Chapter 11 cases and through the trustee in Chapter 7, 12, or 13 cases.

## **RULE 2015-2**

### **DEBTOR IN POSSESSION DUTIES**



- A. A debtor-in-possession or a trustee who operates a business shall file signed monthly financial reports in the form and containing the information set forth in Local Form #3(b).
- B. A debtor-in-possession in a Chapter 11 case who is an individual not engaged in business shall file signed monthly financial reports in the form and containing the information set forth in Local Form #3(c).
- C. The monthly reports shall be filed no later than the 20th day of each month commencing with the month following the filing of the petition and shall reflect all transactions during the immediately preceding month.
- D. The attorney for the debtor-in-possession shall not be required to sign the monthly financial reports or file any notice of their filing.
- E. The debtor-in-possession or trustee in a Chapter 11 case shall file the original monthly financial report with the Clerk and serve a copy of the reports and financial statements upon the U.S. Trustee, the members of the creditor's committee, if one has been appointed, the attorney for the creditors' committee, if one has been employed, and such other person or persons as the Court may from time to time direct. The debtor-in-possession in Chapter 12 and Chapter 13 business cases shall serve a copy of the reports and financial statements upon the trustee, the U.S. Trustee and upon such other person or persons as the Court may from time to time direct.
- F. In Chapter 12 cases the debtor shall file signed Monthly Cash Receipts and Disbursements Statements as set forth in Local Form #11. The debtor shall file the original with the Clerk and provide a copy to the Chapter 12 Trustee and the U.S. Trustee beginning with the filing of the bankruptcy petition and ending when the payments under the Plan are complete. The reports shall be filed by the debtor no later than the 15th day following the end of the month and shall include all the debtor's receipts or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.
- G. Failure to comply with this Rule may be grounds for conversion to Chapter 7, if permitted by law, or for dismissal of the case.

## **RULE 2016-1**

### **COMPENSATION OF PROFESSIONALS**

- A. Applications for Compensation in Chapter 7 Cases:

(1) (a) Final applications for fees, and expenses of all professionals incurred during the administration of the Chapter 7 cases and allowable under 11 U.S.C. §§ 503(b)(2), (3), (4), and (5) must be filed not later than fifteen (15) days after service of notification by the trustee that the case is ready to close.

(b) In cases that have been converted to Chapter 7, all final applications of professionals for fees, cost, and expenses incurred in the superseded case must be filed within ninety (90) days after the date of the order converting the case.

(2) All applications for fees and expenses, whether interim or final, shall contain the amounts requested and a detailed itemization of the work performed including: 1) the name of the individual performing the work; 2) the amount of time expended for each item of work; 3) the hourly rate requested; and 4) a discussion of the criterion that are relevant in determining the compensation to be awarded.

(3) Applications for fees and expenses totaling \$500 or less will be determined after notice and an opportunity for a hearing. Notice shall go to all creditors, the U.S. Trustee, and all other parties in interest. A hearing will not be held unless a timely objection is filed with the Court.

#### B. Applications for Compensation in Chapters 11, 12, and 13:

(1) Applications of attorneys, accountants, auctioneers, appraisers, and other professionals for compensation from the estate of the debtor allowable under 11 U.S.C. §§ 503(b)(2), (3), (4) and (5), must be filed no later than fifteen (15) days after the entry of an order scheduling the confirmation hearing, except for applications for fees and expenses totaling \$500 or less, which may be heard and determined pursuant to Local Rule 2016-1. A copy of the application shall be served upon the trustee, the attorney for the trustee, the debtor-in-possession, the attorney for the creditors' committee, and the U.S. Trustee. Nothing herein shall preclude an application filed pursuant to this rule; provided, however, that debtor shall not be required to pay for such services at the time of confirmation.

(2) All applications for compensation of professionals, including interim applications, shall contain a detailed itemization of the work performed. Applications by attorneys and accountants shall include the individual performing the item of work, a description of the work performed for each item, the amount of time expended for each item, the hourly rate requested, and a discussion of the criteria that are relevant in determining the compensation to be awarded.

### **RULE 2071-1**

## COMMITTEES

A. Upon appointment of a committee of creditors pursuant to 11 U.S.C. § 1102, those creditors willing to serve shall have an organizational meeting and elect a chairman who shall preside at meetings of creditors' committee.

B. The meetings of the creditors' committee may be held by telephone.

C. The U.S. Trustee shall notify the Clerk of the Bankruptcy Court in writing of the names, addresses, and telephone numbers of the members of the committee. If no committee is appointed, the U.S. Trustee's office shall notify the Clerk of the Bankruptcy Court in writing that no committee has been appointed. A copy of the appropriate notice shall be served upon the attorney for the debtor and the members of the committee.

## RULE 2081-1

### CHAPTER 11 - GENERAL

#### A. Authority to Operate Business:

The operation of a business by a debtor-in-possession in cases filed under Chapter 11 shall be subject to the terms and conditions of an order continuing the debtor-in-possession (See Local Form #4) to be entered upon the entry of the Order for Relief. The debtor-in-possession shall also deposit taxes and file tax returns in compliance with the terms of the order set forth in Local Form #5.

#### B. Post-Confirmation Matters:

(1) Within twenty (20) days after the confirmation hearing confirming the plan, the attorney for the proponent of the plan shall prepare the Order of Confirmation and submit it to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The proponent of the plan shall then be responsible for the distribution of the Order of Confirmation and copies of the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

(2) (a) In addition to the report required by Bankruptcy Rule 2015(a) and (b), in those instances where the plan requires longer than one hundred twenty (120) days for consummation, the debtor shall file a Confirmed Plan Status Report beginning the third month after the effective date of the plan and every 3 months thereafter. This report shall disclose any distributions made, including the amount of each distribution to creditors as identified in the plan, as well as a description of all other matters which must be consummated in order to close the estate.

(b) If the plan provides for payments to any class of creditors over a period of time which is longer than one hundred eighty (180) days from the date of confirmation, the debtor shall execute an instrument evidencing the indebtedness and deliver such instrument to each creditor or other party interest. Such instrument shall provide for payment of the amount due under the plan upon the terms set forth in the plan. Delivery of instruments shall be deemed commencement of distribution under the plan for purposes of closing the estate pursuant to 11 U.S.C. § 1101(c). Such instruments shall be delivered to creditors in each class within thirty (30) days after all objections to claims in that class have been resolved or, if there are no objections to claims in any class, then within sixty (60) days after the entry of an Order of Confirmation.

(c) Upon substantial consummation of the Plan, the debtor shall file its application for final decree which shall certify compliance with 11 U.S.C. § 1101.

## **RULE 2082-1**

### **CHAPTER 12 - GENERAL**

#### **A. DUTIES OF CHAPTER 12 DEBTOR**

(1) At least five (5) days before the first meeting of creditors, the debtor must file and provide the Chapter 12 trustee with (a) the Summary of Operations for Chapter 12 Case, (Local Form #10), and (b) Income Tax Returns for the two (2) years immediately preceding the filing of the bankruptcy petition.

(2) At least five (5) days before the confirmation hearing, the Debtor must file and provide a copy to the Chapter 12 Trustee of (a) The Farm Plan for a three (3) year period indicating projected disposable income, and (b) a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.

(3) Monthly Cash Receipts and Disbursements Statement. (Local Form #11). The debtor shall file and provide a copy to the Chapter 12 Trustee the following reports beginning with the filing of the bankruptcy petition and

ending when the payments under the Plan are complete. The reports shall be filed by the debtor no later than the fifteenth (15th) day following the end of the month and shall include all of the debtor's receipts or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

(4) Within sixty (60) days after the end of a calendar year (or fiscal year), the Debtor must complete and file with the Clerk and the Chapter 12 Trustee, Internal Revenue Service Form Schedule 1040 F together with all supporting schedules of Schedule F, and Form 4835, for any part of the calendar or taxable period ending after the date on which the Chapter 12 petition was filed. The Schedule F and Form 4835 must report all income and all expenses to the end of the calendar (or fiscal) year.

## **B. PRE-CONFIRMATION MATTERS IN CHAPTER 12**

(1) In all cases filed under Chapter 12 debtor shall file a statement which contains "adequate information" about: (1) the debtor's ability to make all of the payments under the plan and to comply with the plan, (2) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year, (3) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value, (4) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and (5) a projection of the net disposable income of the debtor for the term of the plan.

(2) For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

(3) In a Chapter 12 case the pre-confirmation statement shall be filed upon the filing of a plan. In business Chapter 13 cases the pre-confirmation statement shall be filed fifteen (15) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

**C. Rule 2081-1B shall apply in Chapter 12 cases.**

## **RULE 2083-1**

## **CHAPTER 13 - GENERAL**

Rule 2082-1B. shall apply in all business Chapter 13 cases.

### **RULE 2090-1**

#### **ATTORNEYS - ADMISSION TO PRACTICE**

##### **A. General Admission:**

Except as provided herein, Local Rule 11.1 of the United States District Court for the Northern District of Florida governs the admission and appearance of attorneys before the Bankruptcy Court. All attorneys admitted to practice in the United States District Court for the Northern District of Florida are by virtue thereof admitted to practice in the Bankruptcy Court.

##### **B. Admission Not Required:**

(1) An attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear and be heard in any case or proceeding in which the Government or such agency thereof is a party-in-interest.

(2) An attorney who is not admitted to the United States District Court, Northern District of Florida but is an active member in good standing of the bar of a Court of general jurisdiction in any state or territory of the United States may appear on behalf of a creditor in the following instances:

(a) Preparation and filing of a notice of appearance and request for service of notices pursuant to Bankruptcy Rule 2002; and

(b) The preparation and filing of a proof of claim.

## C. Conduct:

All attorneys appearing in the Bankruptcy Court and all persons at counsel table are expected to observe the same customary and traditional Rules of Conduct and Decorum applicable in the United States District Court, as set forth in Addendum A for convenient reference.

## D. Attorneys - Appearance and Withdrawal; Representation by an Attorney - When Required:

(1) No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made or withdraw as counsel for any party therein, except by written leave of Court obtained after giving ten (10) days written notice to the party or client affected thereby and to opposing counsel.

(2) (a) The disclosure statement required by Bankruptcy Rule 2016(b) shall include a statement as to whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings.

(b) If the disclosure statement recites that the attorney has not been retained to represent the debtor in discharge and dischargeability proceedings, the attorney shall not be required to represent the debtor in such proceedings.

(c) If the disclosure statement fails to recite whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings, the attorney shall be deemed to represent the debtor in such proceedings and shall not be allowed to withdraw from such proceedings except as provided in paragraph (1).

(3) Unless allowed to withdraw from a case, matter, or proceeding by order of the Court, counsel filing a petition on behalf of a debtor shall attend all hearings and meetings scheduled in the case or proceeding at which the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.

(4) Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person absent prior leave of Court, nor shall any natural person, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

(5) An entity other than a natural person may not file any petition or pleading, except a proof of claim or a ballot, or otherwise appear except through an attorney; provided, however, that any creditor or party in interest may participate in a Section 341 Meeting of Creditors without an attorney.

## **RULE 3001-1**

### **CLAIMS & EQUITY SECURITY INTEREST - GENERAL**

The debtor or trustee filing a proof of claim in the name of a creditor pursuant to Bankruptcy Rule 3004 shall have the responsibility of mailing notice of the filing to the affected creditor, and as appropriate, the debtor or trustee.

## **RULE 3007-1**

### **CLAIMS OBJECTIONS**

A. Objections to claims shall be subject to Bankruptcy Rule 9014 and Local Rule 9013-2, except that the initial pleading need not contain or be accompanied by citations of authority.

B. All responsive pleadings to an objection to claim shall contain or be accompanied by citations of authority.

C. If no written response to an objection to a claim is filed pursuant to Local Rule 9013-2, the Court may grant relief to the objecting party without the necessity of an evidentiary hearing if relief is otherwise proper.

D. All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or denied, that the claim is either allowed or disallowed, and if allowed the amount and class of each such allowed claim.

E. Unless extended by the Court, the debtor shall file any objections to claims no later than thirty (30) days after the entry of an Order of Confirmation.

## **RULE 3012-1**



## VALUATION OF COLLATERAL

A. (1) In cases filed under Chapter 11, all secured creditors shall be served a copy of any plan and disclosure statement or any amendment thereto filed in the case. The value of property set forth in the disclosure statement filed pursuant to 11 U.S.C. § 1125 shall be deemed at confirmation to be the value of the property for purposes of the plan and confirmation of the plan, including the treatment of creditors under the plan, unless five (5) days prior to the hearing on confirmation a party in interest has filed a motion pursuant to Bankruptcy Rule 3012, in which event such values shall be as determined by the Court.

(2) The disclosure statement shall include the plan proponent's basis or justification for all values shown.

B. In cases filed under Chapter 12 or 13: Upon the filing of the plan or within five (5) days thereafter, the debtor shall notify all secured creditors in writing of the value, and the debtor's basis or justification for the values shown, of the collateral which secures their claim as set forth in the schedules. The attorney for the debtor shall file a certificate of service to evidence service of the notice pursuant to this Rule. The value of property subject to liens or security interests as noticed shall be deemed to be the value of the property for purposes of confirmation and treatment of such creditor pursuant to a plan unless no later than twenty (20) days after such notice any party in interest files a motion to value collateral pursuant to Bankruptcy Rule 3012. The notice sent to secured creditors pursuant to this rule shall notify such creditor that failure to file a timely motion to value collateral will result in such collateral being valued at the amount listed for purposes of confirmation of the plan and treatment of such creditor's claim pursuant to the plan.

C. A motion to value property of the estate shall state the value of the property as alleged by the moving party and all facts or circumstances supporting such value and shall be accompanied by an appraisal or other evidence

of value. The appraisal or other evidence shall be filed and a copy served upon all adverse parties who are required to be served with a copy of the motion. Any adverse party who contests the motion and desires to appear and be heard on the issue of value shall file a response to such motion within twenty (20) days prior to the hearing on the motion and shall file and serve not later than five (5) days prior to the hearing an appraisal or other evidence of value.

D. In any proceeding in which the value of real property is an issue and where a party intends to present appraisal testimony, the written appraisal report and a statement of the qualifications of the appraisal witness shall be filed with the Court and served on all opposing parties as soon as the report first becomes available but in no case less than five (5) days before the trial or hearing wherein the testimony is to be presented.

E. All objections to the admissibility of the appraisal report or the qualifications of the appraiser as an expert shall be filed and served upon the appraisal's proponent no less than two (2) days prior to the trial or hearing

wherein the testimony is to be presented. Absent any objections, the report shall be admitted into evidence without further testimony.

F. Admission into evidence of an appraisal report shall constitute the complete direct examination of an appraiser witness. Cross examination of the witness will begin immediately upon admission of the report followed by redirect and recross.

## **RULE 3017-1**

### **DISCLOSURE STATEMENT - APPROVAL**

A. Upon the filing of the disclosure statement in cases under Chapter 11, the proponent of the Plan shall serve copies of the disclosure statement and plan upon the debtor (if not the proponent), the debtor's attorney (if the debtor is not the proponent), the trustee (if any), the attorney for the creditors committee (if any), each member of the creditors committee, the Internal Revenue, Special Procedures Staff, the Securities and Exchange Commission, Chapter 11 Bankruptcy Filings, Washington, D.C. 20549, the U.S. Trustee, all parties required under Local Rule 3012-1A.(1) and all parties in interest who have filed with the Clerk a request that notice be mailed to them pursuant to Bankruptcy Rule 2002. A certificate of such service shall be filed with the Clerk.

B. The attorney for the debtor shall send copies of the disclosure statement and plan to any other party in interest who requests a copy and may charge such party in interest a reasonable charge for copying and mailing not to exceed the amount charged by the Clerk's office.

C. Objections to the proposed disclosure statement shall be filed and served on the debtor, the debtor's attorney, the attorney for the proponent of the plan (if other than the debtor), the U.S. Trustee, and all parties entitled to be served copies of the disclosure statement and plan as listed above at least five (5) days prior to the hearing on the disclosure statement. Any objections not timely filed shall be deemed waived.

## **RULE 3017-2**

### **DISCLOSURE STATEMENT - SMALL BUSINESS CASES**

A. Conditional Approval. If the debtor is a small business and has made a timely election to be considered a small business in a chapter 11 case, the Court may, on application of the plan proponent, conditionally approve a disclosure statement filed in accordance with Bankruptcy Rule 3016. On or before conditional approval of the disclosure statement, the Court shall

- (1) fix a time within which the holders of claims and interests may accept or reject the plan;
- (2) fix a time for filing objections to the disclosure statement;
- (3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and
- (4) fix a date for the hearing on confirmation.

B. Application of Bankruptcy Rule 3017. If the disclosure statement is conditionally approved, Bankruptcy Rule 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Bankruptcy Rule 3017(d).

C. Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Bankruptcy Rule 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the U.S. Trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

[NOTE: This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.

If the debtor is a small business and has elected under § 1121(e) to be considered a small business, § 1125(f) permits the Court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the Court to hold a hearing on final approval.]

## **RULE 3020-1**

### **CHAPTER 11 - CONFIRMATION**

A. Objections to confirmation shall be governed by Bankruptcy Rule 9014 and shall be filed and served not less than seven (7) days before the hearing on confirmation or within such time as may otherwise be ordered by the Court. A copy of any objection shall be served upon each of the persons set forth in Bankruptcy Rule 3020(b), the U.S. Trustee, and the proponent of the plan (if other than the debtor).

B. All acceptances and rejections shall be mailed to the proponent of the plan at least seven (7) days prior to the confirmation hearing, and, if the plan proponent is not the debtor, a copy of all ballots shall be served upon the debtor. Prior to the hearing on confirmation in Chapter 11 cases, the attorney for the plan proponent shall tabulate the acceptances and rejections of the plan on a Chapter 11 Ballot Tabulation form, Local Form #6. The ballot tabulation and the original ballots shall then be filed with the Court prior to or at the confirmation hearing. The attorney for the plan proponent shall certify that the tabulation is accurate and that all ballots received have been accounted for and filed.

C. In tabulating the acceptances and rejections, the following rules shall govern:

- (1) Ballots which are not signed or which do not identify the creditor will not count as either an acceptance or rejection;
- (2) Ballots which do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection;
- (3) Ballots which are filed after the last date set for filing of ballots will not be counted as either an acceptance or rejection except upon leave of the Court; and
- (4) Where duplicate ballots are filed and one elects acceptance and one elects rejection, then, absent leave of the Court, neither ballot will be counted unless the latter one is designated as amending the prior one.

D. A summary of the tabulations shall be filed with the Court which shall list for each class, the total number of claims voting, total dollar amount of claims accepting, percentages of claims voting which accept the Plan, and percentage of dollar amount of claims voting which accept the Plan. Such summary shall also indicate for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

## **RULE 4001-1**

**AUTOMATIC STAY - RELIEF FROM**

A. Unless otherwise stated in the notice of hearing, a preliminary hearing under 11 U.S.C. § 362(e) will be restricted to the pleadings, affidavits and documents of record, and argument of counsel.

B. The movant shall file with the Motion, or within five (5) days after service of the notice of hearing, the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish a perfected secured interest;

(3) An appraisal or other evidence of value together with the qualifications of the appraiser;

(4) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay; and

(5) A proposed order granting the relief requested.

C. If the motion is opposed, the debtor or the trustee shall file a response within fifteen (15) days after entry of the Court's order and notice of preliminary hearing; said response shall be accompanied by such appraisals and other affidavits as may be necessary to demonstrate the movant is not entitled to relief from the stay. If no response is filed within the time provided by this rule, the Court may grant the motion without a hearing.

D. In final hearings under 11 U.S.C. § 362(e), respective counsel shall present competent evidence admissible under the Federal Rules of Evidence either in support of, or in opposition to the motion.

E. Not less than ten (10) days prior to the final hearing, each party shall furnish a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

F. A party who intends to introduce the testimony of an expert witness shall make such witness available for deposition upon reasonable notice.

G. The moving party may, without leave of court, take a deposition of the trustee, debtor, and debtor-in-possession ten (10) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of ten (10) days after the date of service of the motion. Leave of Court is not required if a trustee, debtor, or debtor-in-possession has served a notice of taking deposition or otherwise sought discovery after service of the motion.

H. Any party in interest shall be entitled to inspect the property which is the subject of a motion under this Rule upon reasonable notice. The notice shall provide for inspection not less than five (5) days from the date of service of such notice unless the time is shortened or extended by the Court.

I. For the purpose of this Rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty (20) days unless otherwise directed by the Court.

## **RULE 4003-2**

### **LIEN AVOIDANCE**

A. A motion to avoid a lien under 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d) may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided.

B. The debtor shall serve a copy of the motion together with any appraisal or other evidence of value upon which the debtor intends to rely upon the respondent in accordance with Bankruptcy Rule 7004.

C. The respondent shall have thirty (30) days within which to file and serve on the debtor a written response to the motion. Any response shall include a copy of any appraisal or other evidence of value upon which the respondent intends to rely. The debtor shall make the property in question available to the creditor or creditor's agent or appraiser at a mutually agreeable time for the purpose of making an appraisal.

D. If a timely response is filed, the matter will be noticed for an evidentiary hearing. If the respondent fails to file a timely response, the motion may be granted without further notice or a hearing.

## **RULE 5005-2**

### **FILING - NUMBER OF COPIES**

#### **A. Number of Copies Required:**

- (1) Chapter 7 ORIGINAL plus THREE COPIES
- (2) Chapter 9 ORIGINAL plus SIX COPIES
- (3) Chapter 11 ORIGINAL plus FIVE COPIES
- (4) Chapter 12 ORIGINAL plus THREE COPIES
- (5) Chapter 13 ORIGINAL plus THREE COPIES

B. The lists, schedules, and statements required by Bankruptcy Rules 1007(a) , (b) and (d) shall be filed with the same number of copies as the petition and within the time limit specified in Bankruptcy Rule 1007.

## **RULE 5011-1**

### **WITHDRAWAL OF REFERENCE**

#### **A. CASES:**

(1) A case referred to the Bankruptcy Court may be withdrawn by the District Court for cause shown on a timely motion filed by any party in interest. The motion to withdraw the reference of a case, in whole or in part, shall be filed with the Clerk of the Bankruptcy Court no later than thirty (30) days after the 11 U.S.C. § 341(a) Meeting of Creditors is concluded. Parties in interest without notice or actual knowledge of the pendency of the case may move to revoke the reference not later than fifteen (15) days after having acquired actual knowledge of the pendency of the case.

(2) Upon filing of a Motion to Withdraw Reference, the Clerk of the Bankruptcy Court shall forthwith transmit the motion to the Clerk of the District Court together with the pertinent record and any subsequent responses.

(3) The motion shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor and U.S. Trustee. The debtor shall have ten (10) days after service of the motion to file a response. The District Court may dispose of the motion with or without a hearing.

(4) Upon final disposition of a case transmitted to the District Court pursuant to an Order Withdrawing Reference of the case, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire case file originally transmitted to the District Court together with the order, judgment, or decree entered by the District Court.

(5) In the event the Motion to Withdraw Reference is denied, the Clerk of the District Court shall forthwith retransmit the motion to the Clerk of the Bankruptcy Court together with the matters originally transmitted.

## B. PROCEEDINGS:

(1) A proceeding arising in, under or related to a case referred to the Bankruptcy Court pursuant to the Order of General Reference may be withdrawn by the District Court for cause shown on a timely motion filed by a party in interest. The Motion to Withdraw Proceeding must be filed with the Clerk of the Bankruptcy Court not later than the date set for filing an answer under Bankruptcy Rule 7012 or within twenty (20) days after the Bankruptcy Court has made a determination that a proceeding is a non-core matter.

(2) A Motion to Withdraw Proceeding must specifically identify the proceeding sought to be withdrawn, setting forth the exact style, title, and adversary number where applicable.

(3) Immediately upon docketing the Motion to Withdraw Proceeding, the Clerk of the Bankruptcy Court shall forthwith forward the motion to the District Court together with and all papers pertaining to the proceeding sought to be withdrawn.

(4) A Motion to Withdraw Proceeding shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor. The debtor shall have ten (10) days after service of the motion to file a response. The District Court may dispose of the motion with or without a hearing.

(5) Upon final disposition of a proceeding transmitted to the District Court pursuant to an Order Withdrawing Reference, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire record originally transmitted to the District Court together with any order, judgment, or decree entered by the District Court.

(6) In the event that the reference of a proceeding is withdrawn by the District Court and the bankruptcy case is



subsequently dismissed by order of the Bankruptcy Court, the Clerk of the Bankruptcy Court shall immediately certify to the District Court that an order of dismissal has been entered.

## **RULE 5011-2**

### **ABSTENTION**

A. Unless otherwise ordered by the Bankruptcy Court, a Motion for Abstention under 11 U.S.C. §305 of the Code shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

B. An Order of Abstention shall have the effect of closing the file of the case.

C. All requests for the Court to abstain in a case under Title 11 shall be filed no later than thirty (30) days after the 11 U.S.C. §341(a) Meeting of Creditors is concluded.

## **RULE 5081-1**

### **FEES - FORM OF PAYMENT**

The filing fee must be paid by an attorney's office or trust account, check, cash, or money order. If paid by check, there should be a separate check for each petition or item filed.

## **RULE 6004-1**

### **SALE OF ESTATE PROPERTY**

A. In sales of property of the estate, other than in the ordinary course of business, the trustee shall prepare and file a Report and Notice of Intention to Sell Property of the Estate in substantially the same form as Local Form #9. Where the value of the estate's interest in the property is less than \$1,000.00, notice need be given only to the debtor, debtor's attorney, any committee or its authorized agent, the U.S. Trustee's Office, and to any creditor and equity security holders who file a request that all notices be sent to them.

B. Sales of property of the estate free and clear of liens pursuant to 11 U.S.C. § 363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:

- (1) File a motion pursuant to Rule 6004(c) for authority to sell property free and clear of liens or other interest, and serve the motion on the parties thereto who have liens or other interest in the property to be sold;
- (2) File a notice of sale (Report and Notice of Intent to Sell Property of the Estate, Local Form #9) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

C. All objections to the sale, whether by a party with an interest in the property or otherwise, shall be set for hearing at the same time. If no objections to the sale are filed, the motion shall be granted without a hearing and the sale may proceed without further notice or hearing.

## **RULE 6007-1**

### **ABANDONMENT**

A. Any party in interest, other than a trustee, who seeks to have property abandoned from the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate in substantially the same form as Local Form #8. Present the original prepared Report and Notice to the trustee and enclose the following documentation or information:

- (a) Evidence of indebtedness owed including promissory notes, statements of account or the like;
- (b) Affidavit of amount due with calculations set forth in detail;
- (c) Evidence of perfection of the lien or encumbrance including mortgages, security agreements, UCC filings and copies of titles showing liens; and
- (d) Evidence as to value.

(2) (a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lienholders, the creditor's committee, if any, and the U.S. Trustee's office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditor's committee, if any, and the U.S. Trustee's office.

(3) The party in interest who has requested the abandonment shall send the original Report and Notice and a Certificate of Service of mailing to the Clerk.

B. Unless a written objection is filed within fifteen (15) days of the mailing of the notice or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

## **RULE 7001-1**

### **ADVERSARY PROCEEDINGS**

An adversary proceeding governed by Part VII of the Bankruptcy Rules shall be commenced by the filing of a complaint. Adversary Proceeding Cover Sheet (Form B 104), Local Form #2, Summons (Form BK 177), and the appropriate filing fee. The caption of the complaint shall conform substantially with Official Form No. 34. The plaintiff's attorney shall fill in the names of the parties on the Summons, and the Clerk's office will complete the remainder of the Summons and return it to the plaintiff for service together with a copy of the complaint.

## **RULE 7004-1**

### **SERVICE OF PROCESS**

Service is the responsibility of the plaintiff's attorney and must be effected in accordance with Bankruptcy Rule 7004. Upon completion of service, a certificate of service showing compliance with Rule 7004 must be executed and filed and a copy of the certificate provided to the defendant. The back of the original Summons may be used for this purpose.

## **RULE 7007-1**

### **MOTION PRACTICE - ADVERSARY PROCEEDINGS**

A. In adversary proceedings, counsel for the moving party shall confer with counsel for the opposing party and shall file with the Court at the time of filing a motion, or within three (3) days thereafter, a statement certifying that he has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and the result thereof. If certain of the issues have been resolved by agreement, the certificate shall specify the issue so resolved and those remaining for resolution. Counsel shall clearly identify those motions which are consented to in their entirety. The statement shall specify the amount of time requested for hearing on the motion.

B. Each motion shall contain no more than one claim or request for relief unless the prayer is seeking alternative relief provided for in a single section of the Bankruptcy Code or Rules.

## **RULE 7008-1**

### **CORE - NON-CORE PROCEEDINGS**

If an issue is raised under Bankruptcy Rule 7008(a) as to whether a proceeding is core or non-core, the party instituting the proceeding shall, within fifteen (15) days after the service of the pleading creating the issue, file a motion seeking a determination as to whether the proceeding is core or non-core.

## **RULE 7016-1**

### **PRE-TRIAL PROCEDURES**

N.D. Fla. Loc. R. 16.3, MEDIATION, shall be applicable in all adversary proceedings and contested matters as directed by the Bankruptcy Court. (see Addendum B)

## **RULE 7026-1**

## **DISCOVERY - GENERAL**

A. Before filing a motion to compel pursuant to Bankruptcy Rule 7037, or a motion for protective order pursuant to Bankruptcy Rule 7026, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall file with the Court at the time of filing the motion a statement certifying that counsel has so conferred with opposing counsel and that counsel have been unable to resolve this dispute.

B. Motions to compel discovery pursuant to Bankruptcy Rule 7037 shall:

- (1) quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed;
- (2) the objection and grounds therefor as stated by the opposing party; and
- (3) the reasons such objection should be overruled and the motion granted.

C. For the guidance of counsel in preparing or opposing contemplated motions for a protective order pursuant to Bankruptcy Rule 7026, related to the place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant who intends to be present in person at trial may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial as the circumstances seem to suggest. A nonresident, within the meaning of this rule, is a person residing outside the Northern District of the State of Florida.

## **RULE 7041-1**

### **DISMISSAL - FAILURE TO PROSECUTE**

Whenever, in any civil action, it appears that no activity by filing of pleadings, orders of the Court or otherwise

has occurred for a period of more than ninety (90) days, the Court may, on motion of any party in interest or on its own motion, enter an order to show cause why the action should not be dismissed, and if no satisfactory cause is shown, the action may be dismissed by the Court for want of prosecution.

## **RULE 7054-1**

### **COST - TAXATION/PAYMENT**

When appropriate, motions to tax costs and attorney fees in actions or proceedings shall be filed not later than thirty (30) days after termination of such actions or proceedings.

## **RULE 7055-1**

### **DEFAULT**

A. A party seeking entry of a default by the Clerk shall file a motion which shall state:

- (1) Upon whom, how, and when service was made, with reference to the applicable Bankruptcy Rule;
- (2) The date on which a responsive pleading was due;
- (3) That no extension of time was sought or obtained by the adverse party; and
- (4) That the movant seeks an entry of default.

B. The party seeking a judgment by default shall file the following:

- (1) An affidavit in support of the allegations set forth in the complaint;
- (2) An affidavit of non-military service (where applicable);

(3) A motion for entry of default final judgment; and

(4) A proposed order granting the motion for entry of default final judgment setting forth the relief to be provided in the final judgment.

## **RULE 7067-1**

### **REGISTRY FUND**

A. Whenever a party seeks a court order for money to be deposited by the Clerk in an interest-bearing account or investment, the party shall deliver its motion along with the proposed order to the Clerk or Financial Deputy who will review for proper form and content and then submit the motion and proposed order to the Court for signature.

B. The order for deposit of funds shall conform substantially to Local Form #12.

C. The Clerk is directed to deduct from the income earned on the deposit a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts in accordance with the schedule which shall be published periodically by the Director in the Federal Register. This assessment shall apply to all registry fund investments regardless of the nature of the case underlying the investment at the conclusion of the case.

## **RULE 9004-2**

### **CAPTION - PAPERS, GENERAL**

A. If a pleading contains a prayer for injunctive relief pursuant to Bankruptcy Rule 7065, the title of the pleading shall include the words: "*AND PRAYER FOR INJUNCTIVE RELIEF.*"

B. The caption of a motion shall identify the filing party and designate the matter at issue. If the motion contains a memorandum, the caption shall so state. For example, "*TRUSTEE'S MOTION TO COMPROMISE AND SETTLE CONTROVERSY AND MEMORANDUM.*"

C. Unless otherwise directed by the Court, any party permitted to amend a pleading, motion, or other paper filed with the Court shall file the amended pleading in its entirety, and it shall be styled: "Amended & Restated (Name of Pleading)."

## **RULE 9006-1**

### **TIME PERIODS**

A. All time periods established in these Rules may be extended or shortened by the Court upon a showing of cause.

B. In computing any period of time prescribed or allowed by an order of this Court, the date such period shall commence is the date the order is docketed by the clerk pursuant to Rule 5003 of the Bankruptcy Rules.

## **RULE 9013-2**

### **BRIEFS AND MEMORANDA OF LAW**

A. A moving party shall serve and file with every motion or application in a contested matter or adversary proceeding a memorandum of law or other citation of authority in support of the motion.

B. Each party objecting to the relief being sought shall file and serve, within fifteen (15) days after service of the motion or application, a response and memorandum with citation of the authorities. Failure to file a response and such memorandum may be sufficient cause for the granting of the motion by default.

C. Absent prior permission of the Court, no party shall file any brief or legal memorandum in excess of twenty (20) pages (exclusive of exhibits).

## **RULE 9015-1**



## **JURY TRIAL**

A. Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, 47-51 F.R.C.P., and Rule 81(c) F.R.C.P. insofar as it applies to jury trials, apply in all cases and proceedings, except that a demand made under Rule 38(b) F.R.C.P. shall be filed in accordance with Bankruptcy Rule 5005.

B. A demand for a jury trial shall include a statement indicating the demanding party's consent or non-consent to have the jury trial conducted by a bankruptcy judge. The adverse party shall file a statement of consent or non-consent within twenty (20) days after the case or matter is at issue or within ten (10) days after the final determination of a right to a jury trial by the Bankruptcy Court, whichever date is later.

C. Pursuant to the "Order Designating Bankruptcy Judges to Conduct Jury Trials" entered by the United States District Court for the Northern District of Florida on January 3, 1995, the Federal Rules of Civil Procedure, Federal Rules of Evidence, and the Northern District of Florida Local Rules shall apply to the conduct of all proceedings involving a jury trial in the Bankruptcy Court. A copy of the Order of the District Court is attached to these Local Rules Addendum C.

[NOTE: This rule provides procedures relating to jury trials. This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.]

## **RULE 9070-1**

### **EXHIBITS**

A. Prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, and exchange all exhibits which they plan to introduce into evidence.

B. Each exhibit shall be tagged separately with a tag containing the following information:

RECEIVED AS PLAINTIFF // DEFENDANT // JOINT // EXHIBIT NO.

CASE NO.

ADVERSARY NO.

FOR ID. IN EVIDENCE

C. Exhibits should be identified numerically commencing with number 1.

D. All exhibits must be listed in order on a separate sheet of paper which shall be in accordance with Local Form #7.

E. The original of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial period.

F. All exhibits produced at hearing or trial which are not pre-marked shall be tendered to and marked by the Court Clerk (or Court Reporter if no Court Clerk is present) as they are presented in evidence.

G. Once a judgment or order in an adversary proceeding or contested matter in which exhibits have been received by the Court becomes final, the Clerk shall give notice to all parties to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits which are not reclaimed shall be discarded or destroyed.

## **RULE 9071-1**

### **STIPULATIONS**

No stipulation or agreement between any parties or their attorneys, the existence of which is not conceded, in relation to any aspect of any pending case, will be considered by the Court unless the same is made before the Court or is reduced to writing and subscribed by the party or attorney against whom it is asserted.

## **RULE 9072-1**

### **ORDERS - PROPOSED**

A. All proposed orders shall carry a full, descriptive title detailing the nature of the matter ruled upon. The name of the preparer shall appear in the lower left hand corner of the signature page.

B. No order or judgment will be entered where the date or signature of the Court is the only text on a page.

C. In adversary proceedings all proposed orders and judgments not presented in open court shall be submitted with stamped and addressed envelopes to be mailed to all parties in interest. If a proposed order or judgment is entered in open court, the party submitting it shall promptly serve it upon affected parties and file a certificate of service.

D. If not presented at the time of the hearing, proposed orders and judgments shall be accompanied by a letter to the Court from the preparer indicating either that the proposed order or judgment has been agreed upon by all affected parties, or alternatively, that the preparer believes that the order or judgment properly reflects the Court's ruling and that copies have been furnished to all other interested parties. Affected parties shall have ten (10) days from the date of the letter to the Court to file their objections in writing as to the form of the proposed order or judgment after which time the Court, if otherwise appropriate, may enter the proposed order or judgment.

## **RULE 9073-1**

### **HEARINGS**

A. If a movant seeks a hearing on a motion, or if the motion does not contain a request for hearing and an entity filing a response desires a hearing, the title of the motion or response shall include the following language: "...And Request For Hearing."

B. (1) A motion or a response which includes a request for a hearing shall be accompanied by a Hearing Request in substantial conformity with Local Form #1.

(2) If a Motion or response does not contain a request for hearing as provided for in "A", then a party in interest who desires a hearing, shall file a request for hearing by use of a Hearing Request in substantial conformity with Local Form #1. Copies of all Hearing Requests shall be served on all parties who served the Motion or response and on all parties who were served copies of the Motion or response.

C. (1) If a motion, response to a motion, or pleading seeks an emergency hearing, the title of the motion or pleading shall include the words "And Request For Emergency Hearing."

(2) Emergency hearings shall ordinarily be held only where direct, immediate, and substantial harm will occur to:

- (a) the interest of an entity in property;
- (b) the estate; or
- (c) the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of the dispute.

(3) A motion seeking an emergency hearing shall be accompanied by a "Statement of Need For Emergency Hearing" stating:

- (a) why the relief requested requires an emergency hearing;
- (b) that the need for an emergency hearing is not caused by lack of due diligence by the party, or its counsel, seeking the relief; and
- (c) that efforts have been made to resolve the issue without an emergency hearing.

D. All hearings may be adjourned or continued from time to time by announcement made in open court without further written notice.

## **ADDENDUM A**

### **CUSTOMARY AND TRADITIONAL CONDUCT AND DECORUM IN THE UNITED STATES DISTRICT COURT**

A. The purpose of this addendum is to state for the guidance of those heretofore unfamiliar with the traditions of this United States District Court certain basic principles concerning courtroom conduct and decorum. These standards are minimal and not all-inclusive. They are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel.

B. When appearing in the United States District Court, all counsel and all persons at counsel table should conduct themselves in the following customary and traditional manner:

- (1) Stand as court is opened, recessed or adjourned.
- (2) Stand when the jury enters or retires from the courtroom.
- (3) Stand when addressing, or being addressed by, the Court.
- (4) Address all remarks to the Court, not to opposing counsel.
- (5) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (6) Refer to all persons, including witnesses, other counsel and the parties, by their surnames and not by their first or given names.
- (7) Counsel should request permission before approaching the bench; and any document counsel wish to have the Court examine should be handed to the clerk.
- (8) Unless opposing counsel has previously been shown exhibits, any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
- (9) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.
- (10) In examining a witness, counsel shall not repeat or echo the answer given by the witness.
- (11) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
- (12) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue, shall not read or purport to read from deposition or trial manuscripts, and shall not suggest to the jury directly or indirectly that it may or should request transcripts or the reading of

any testimony by the reporter.

(13) Counsel shall admonish and discourage all persons at counsel table from making gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time.

(14) Smoking, eating, food and drink are prohibited in the courtroom at any time.

## **ADDENDUM B**

### **MEDIATION**

(A) **Definition.** Mediation is an opportunity for the parties to negotiate their own settlement. Mediation is a supervised settlement conference presided over by a neutral mediator to promote conciliation, compromise and the ultimate settlement of a civil action. The mediator may be a mediator certified in accordance with these rules or any person mutually agreed upon by all parties. The mediator's role in the settlement suggest alternatives, analyze issues, question perceptions, conduct private caucuses, stimulate negotiations between opposing sides, and keep order. The mediation process does not allow for testimony of witnesses. The mediator does not review or rule upon questions of fact or law, or render any final decision in the case. Absent a settlement or consent of the parties, the mediator will only report to the presiding judge whether the case settled, was adjourned or continued for further mediation, or was terminated because settlement was not possible and the mediator declared an impasse.

(B) **Purpose.** Mediation is intended as an alternative method to resolve civil cases, thereby saving time and cost without sacrificing the quality of justice to be rendered or the right of the litigants to a full trial in the event of an impasse following mediation.

(C) **Qualifications of Mediators.** Any person who is certified and remains in good standing as a circuit court mediator under the rules adopted by the Supreme Court of Florida is qualified to serve as a mediator in this district. By mutual agreement and with court approval, any other person may be a mediator in a specific case.

(D) **Standards of Professional Conduct for Mediators.** All mediators, whether certified or not, who mediate in cases pending in this district shall be governed by standards of professional conduct and ethical rules adopted by the Supreme Court of Florida for circuit court mediators.

(E) **Disqualification of a Mediator.** After reasonable notice and hearing, and for good cause, the presiding judge shall have discretion and authority to disqualify any mediator from serving as mediator in a particular

case. Good cause may include violation of the standards of professional conduct for mediators. Additionally, any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144, and shall be disqualified in any case in which such action would be required by a justice, district judge, or magistrate judge governed by 28 U.S.C. § 455.

**(F) Compensation of Mediators.** Absent agreement by all parties to the contrary, mediators shall be compensated and reimbursed for expenses at the rate set by the court. Further, absent agreement of the parties to the contrary or order of the court for good cause shown, the cost of the mediator's services shall be paid equally by the parties to the mediation conference.

**(G) Limitations on Acceptance of Compensation or Other Reimbursement.** Except as provided by these rules, no mediator shall charge or accept in connection with the mediation of any particular case, any compensation, fee, or any other thing of value from any other source without prior written approval of the court.

**(H) Mediators as Counsel in Other Cases.** Any member of the bar who is certified or selected as a mediator pursuant to these rules shall not, for that reason alone, be disqualified from appearing and acting as counsel in any other case pending in this district.

**(I) Referral to Mediation.** Any pending civil case may be referred to mediation by the presiding judicial officer at such time as the judicial officer may determine to be in the interests of justice. The parties may request the court to submit any pending civil case to mediation at any time.

## **ADDENDUM C**

### **ORDER DESIGNATING BANKRUPTCY JUDGES TO CONDUCT JURY TRIALS**

**PER CURIAM:**

**The Bankruptcy Reform Act of 1994 (P.L. 103-394, § 112) amended 28 U.S.C. § 157 to provide:**

**If the right to a jury trial applies in a proceeding that may be heard under this section by a bankruptcy judge, that bankruptcy judge may conduct the jury trial if specially designated to exercise such jurisdiction by the district court and with the express consent of all parties.**

**The District Judges have unanimously agreed to authorize the bankruptcy judge of this district, including any bankruptcy judge sitting by designation, to conduct such trials.**

Acting under the express authority granted to the undersigned by the judges of this district to enter this order on behalf of the entire court.

IT IS ORDERED that the United States District Court for the Northern District of Florida, hereby specially designates the bankruptcy judges of this district to conduct jury trials pursuant to 28 U.S.C. § 157(e). When conducting a jury trial pursuant to the authority herein granted, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Northern District of Florida Local Rules shall apply to such proceeding to the exclusion of any Northern District of Florida Local Bankruptcy Rule that may from time to time be adopted.

DONE AND ORDERED this 3rd day of January, 1995.

/s/

MAURICE M. PAUL, CHIEF JUDGE

**LOCAL FORM #1**

HEARING REQUEST/NOTICE

Date of Request:

Case Name: No.

Chapter

(Requesting Atty's. Name/Address)

Phone No. ( )

**Motion/Application to be heard:**

**Circle:** Previously Filed Enclosed Filed by

Time Requested: **(Please be sure this is time for all parties involved)**

**Circle One: NOTICE TO: All Creditors Parties in Interest**

**EMERGENCY\* ROUTINE / COURT HRG. TELEPHONE CONF.**

**\*to be heard within**



seven (7) days

\*\*\*\*\*

**TO BE COMPLETED BY CLERK'S OFFICE**

The above has/have been set for hearing at o'clock .m. on , , 19\_. The hearing will be held . **If all creditors are to be noticed, a copy of the mailing matrix is enclosed.** File your original notice of hearing, along with a certificate of mailing, immediately upon service of this notice. **YOUR NOTICE MUST BE MAILED ON OR BEFORE , 19.**

LARRY A. PACE, CLERK

Date: By

Deputy Clerk

BC/NDFL

**LOCAL FORM #2**

**ADVERSARY PROCEEDING COVER SHEET**

**LOCAL FORM #3(a)**

**UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
NORTHERN DISTRICT OF FLORIDA**

**227 North Bronough Street, Room 1038**

**Tallahassee, Florida 32301**

**OFFICE: (904) 942 8899**

**FAX: (904) 942 8345**

**TO: Debtors, Chapter 11 Trustees and Their Counsel**

**RE:**

**Case No.:**

**UNITED STATES TRUSTEE'S OPERATING GUIDELINES  
AND REPORTING REQUIREMENTS FOR DEBTORS  
IN POSSESSION AND TRUSTEES**

**Attached for your guidance and convenience are the following documents:**

- 1. United States Trustee Requirement Checklist (2 pages);**
- 2. United States Trustee Operating Guidelines and Reporting Requirements (5 pages);**
- 3. Appendix of Financial Report Forms**
  - Instructions/Business (2 pages);**
  - Monthly Financial Reports/Business (10 pages);**
  - Monthly Financial Reports/Individual (3 pages).**

**These documents have been updated and revised to reflect the changes mandated by the Federal Rules of Bankruptcy Procedure, as amended, effective August 1, 1991.**

**The following individuals from the United States Trustee's Office have been assigned to your case:**

**Attorney** \_\_\_\_\_

**Analyst** \_\_\_\_\_

**If you are an attorney, do not hesitate to contact this office should you have questions regarding any of the attached information. Debtors should first contact their attorney before directing inquiries to the Office of the United States Trustee.**

**Sincerely,**

**DONALD F. WALTON**

**Acting United States Trustee**

**BY:\_\_\_\_\_**

**\_\_\_\_\_ Charles S. Glidewell**

**Date Assistant United States Trustee**

### **UNITED STATES TRUSTEE REQUIREMENT CHECKLIST**

**A. Within ten (10) days of the date of the petition, the debtor shall submit to the U. S. Trustee:**

**1. Proof that the insurance coverage required by these guidelines is in effect.**

**The debtor shall, where appropriate, maintain the following minimum coverage:**

- a. General comprehensive liability;**
- b. Fire and theft;**
- c. Workers' compensation;**
- d. Vehicle**
- e. Product liability;**
- f. Flood insurance;**
- g. Other coverage customary or prudent in debtor's business.**

**2. Proof of closing pre-petition bank accounts and opening new debtor-in-possession bank accounts. (Debtor-in-possession accounts must be opened and maintained at a U.S. Trustee approved depository.)**

**3. Copies of the debtor's most recent audited and unaudited financial statements.**

**B. Within thirty (30) days from the date of the petition the debtor shall submit to the U. S. Trustee:**

**1. Copies of tax returns for the two years prior to filing,**

**2. A physical inventory, and**

**3. If a tenant-occupied property is owned, a current rent roll.**

**C. On the 20th day of every month, until confirmation or as otherwise directed by the Court, the debtor shall file with the Court and serve on the United States Trustee, a Monthly Financial Report.**

**1. Corporate or partnership debtors must file a Monthly Financial Report (Business).**

**2. Individuals not engaged in business must file a Monthly Financial Report for Individual Debtors.**

**3. Individuals engaged in business (sole proprietors) must file both a Monthly Financial Report (Business) and a Monthly Financial Report for Individuals.**

**D. No later than one (1) month following the end of a calendar quarter, debtors are required to:**

**1. File with the Court and serve on the U. S. Trustee a statement of disbursements for the preceding calendar quarter; and**

**2. Remit to the U.S. Trustee, P.O. Box 198246, Atlanta, GA 30384 quarter fees in an amount calculated according to the following table:**

**Total Quarterly Disbursements   Quarterly Fee**

**\$ 0.00 to 14,999.99 \$ 250**

**\$ 15,000.00 to 74,999.99 \$ 500**

**\$ 75,000.00 to 149,999.99 \$ 750**

**\$ 150,000.00 to 224,999.99 \$ 1,250**

**\$ 225,000.00 to 299,999.99 \$ 1,500**

**\$ 300,000.00 to 999,999.99 \$ 3,750**

**\$ 1,000,000.00 to 1,999,999.99 \$ 5,000**

**\$ 2,000,000.00 to 2,999,999.99 \$ 7,500**

**\$ 3,000,000.00 to 4,999,999.99 \$ 8,000**

**\$ 5,000,000.00 or more \$ 10,000**

Fee Schedule effective September 30, 1996

## **OPERATING GUIDELINES & REPORTING REQUIREMENTS FOR DEBTORS IN POSSESSION AND TRUSTEES**

Title 28, Section 586(a)(3) of the United States Code, directs the United States Trustee to supervise the administration of all Chapter 11 cases. To comply with this charge, the United States Trustee for Region 21 has established these Operating Guidelines and Reporting Requirements for Chapter 11 debtors and trustees. Chapter 11 debtors, trustees, and their attorneys must keep the United States Trustee apprised of significant matters affecting their case. The United States Trustee must be served with copies of all papers filed in the case, except as otherwise directed by the Court or the United States Trustee.

Timely compliance with these requirements is essential. Failure to comply may result in motions to dismiss or convert your case for liquidation under Chapter 7, for the appointment of a Chapter 11 trustee or examiner, or for imposition of sanctions. If you believe that the requirements should be waived or varied in your case, you should immediately request a variance or waiver by writing to:

**Office of the United States Trustee  
227 N. Bronough Street, Suite 1038  
Tallahassee, Florida 32301**

## **GUIDELINES AND OPERATING REQUIREMENTS**

1. **LIST OF CREDITORS.** When the petition is filed, a list of the debtor's twenty (20) largest unsecured creditors, excluding insiders, must be filed with the Clerk of the Bankruptcy Court. The complete name, address, and telephone number of each creditor must be included.
2. **MEETING WITH THE U.S. TRUSTEE.** Upon debtor's request, the U.S. Trustee will meet with the debtor and debtor's counsel. The U.S. Trustee may require a meeting with debtor and debtor's counsel prior to the meeting of creditors.
3. **BOOKS AND RECORDS.** Debtor's books and records must be closed as of the petition date and new books and records opened. The old books and records must be retained and be available to the United States Trustee for review.
4. **BANK ACCOUNTS.** Any bank account over which debtor has possession or control must be closed immediately upon the filing of the petition. Debtor shall immediately open general, payroll and tax accounts. The checks for each account must bear the words "debtor in possession" and the bankruptcy case number. If the debtor uses "cash collateral" as defined by the Bankruptcy Code, separate "cash collateral" accounts may be required. Each account must be fully F.D.I.C. insured, and located in an approved depository. A list of approved depositories is available from the U. S. Trustee

Within ten (10) days of the petition, the debtor must provide the U.S. Trustee with a sworn statement describing all pre-petition accounts by depository name, account number and account name. The debtor shall verify that all pre-petition accounts have been closed.

5. **PROOF OF INSURANCE.** Within ten (10) days of the petition, the debtor must provide the U.S. Trustee with proof of the insurance coverage required by these guidelines. The proof must disclose, at a minimum, the effective date and the termination date of the coverage; the type and limits of coverage provided, and the identity of all loss payees. Binders must be accompanied by paid receipts. The debtor shall require each insurance carrier to place the words "debtor in possession" after the debtor's name on each policy. Upon expiration or other termination of any coverage, the debtor shall immediately provide the U.S. Trustee with adequate proof of replacement coverage. The debtor shall maintain at least the following coverage, where appropriate:

- a. General comprehensive liability;
- b. Fire and theft;
- c. Workers' compensation;

- d. Vehicle;
- e. Product liability;
- f. Flood insurance;
- g. Other coverage customary or prudent in the debtor's business, or required by law.

**6. PHYSICAL INVENTORY.** Within thirty (30) days of filing the petition, the debtor shall provide the U.S. Trustee with a physical inventory as of the petition date. The inventory shall be itemized and indicate cost values.

**7. MONTHLY REPORTS.** The debtor must file an original monthly report with the Clerk of the Bankruptcy Court, and serve a copy upon the U.S. Trustee. The monthly reports must be in the format set out in the Appendix to these guidelines. Debtors who operate a sole proprietorship must complete and file both a Monthly Financial Report for Business and a Monthly Report for Individual Debtors. All reports must be filed on a calendar month basis by the twentieth (20th) day of the month following the reporting period (e.g., for the calendar month ending January 31, the monthly report must be filed by February 20). Additional financial information may be required by the U.S. Trustee.

All disbursements must be made by pre-numbered check. Counter checks are prohibited. Cash disbursements are prohibited. Requests to use, create or maintain petty cash accounts must be submitted to the U.S. Trustee in writing.

**8. TAXES.** Upon payment of any payroll, the debtor shall deposit to debtor's tax account sufficient funds to pay any liability associated with the payroll. Federal taxes shall be paid from the tax account, accompanied by federal tax deposit coupons, as required by law. State and local taxes shall also be paid from the tax account. Sales taxes shall be deposited to the tax account weekly. All tax returns and reports must be timely filed, and accompanied by payment in full of any amount due. A copy of each return, and verification of payment of taxes due must be served on the U.S. Trustee.

**9. EMPLOYMENT OF PRINCIPALS AND PROFESSIONALS.** A copy of any application to employ or compensate a professional (including, but not limited to, lawyers, accountants, appraisers, auctioneers, and consultants) must be served upon the U.S. Trustee. Applications to employ such persons must be filed prior to any services being rendered to the debtor.

**Each applicant's affidavit must disclose any relationship or contact applicant has with the debtor, any creditor, party in interest, their attorneys and accountants, and employees of the U.S. Trustee. A general statement that the applicant is disinterested and does not represent an interest adverse to the estate is insufficient.**

The debtor shall provide the following information regarding the employment and compensation of its principals: name and position of the individual; detailed description of the duties and responsibilities; reasons why employment of the individual is sought; details of any other benefits or consideration to be received, including but not limited to use of vehicles, housing, expense reimbursement, insurance, and pension or profit sharing; and, each individual's salary and benefit history for the year immediately preceding the filing of the petition.

**10. PRE-PETITION FINANCIAL STATEMENTS.** Within ten (10) days of the petition, the debtor shall provide the U.S. Trustee with copies of debtor's most recent audited and unaudited financial statements.

**11. CHANGE OF ADDRESS.** It is the debtor's responsibility to notify the U.S. Trustee and the Bankruptcy Court of any change of address or telephone number within ten (10) days of the change. Notice to the Clerk and the U.S. Trustee must be in writing. Debtor may not receive notice of actions taken in the case if debtor fails to provide proper notice to the Clerk and the U.S. Trustee.

**12. ADDITIONAL NOTICE REQUIREMENTS.** The U.S. Trustee must be advised immediately of any significant change in the debtor's business. Significant changes include, but are not limited to, casualty or theft losses, changes in insurance coverage, or allegations of violations of laws, ordinances, or regulations, including but not limited to the failure to pay taxes, which could affect the continued operation of the debtor's business.

**13. QUARTERLY FEES REQUIRED.** Debtors in Chapter 11 must pay a quarterly fee to the U.S. Trustee for each calendar quarter, or portion thereof, between the date of filing the petition and the entry of the final decree, dismissal, or conversion of the case. The debtors must file with the Court and serve on the U.S. Trustee a statement of disbursements for each calendar quarter. The statement must be filed no later than one month following the end of each calendar quarter. There is no proration of the fee.

The debtor is responsible for the timely payment of quarterly fees. Failure to receive a bill from the Executive Office for United States Trustees does not excuse a debtor from timely payment. The quarterly fee is based upon the debtor's disbursements during each calendar quarter and is calculated according to the following table:

**Total Quarterly Disbursements      Quarterly Fee**



**\$ 0.00 to 14,999.99 \$ 250**

**\$ 15,000.00 to 74,999.99 \$ 500**

**\$ 75,000.00 to 149,999.99 \$ 750**

**\$ 150,000.00 to 224,999.99 \$ 1,250**

**\$ 225,000.00 to 299,999.99 \$ 1,500**

**\$ 300,000.00 to 999,999.99 \$ 3,750**

**\$ 1,000,000.00 to 1,999,999.99 \$ 5,000**

**\$ 2,000,000.00 to 2,999,999.99 \$ 7,500**

**\$ 3,000,000.00 to 4,999,999.99 \$ 8,000**

**\$ 5,000,000.00 or more \$ 10,000**

**A minimum fee of \$250.00 is due even if there are no disbursements during a calendar quarter, and quarterly fees will continue to accrue until entry of the final decree.**

**Quarterly fees are due no later than one month following the end of each calendar quarter. Failure to pay quarterly fees may result in the conversion or dismissal of the case. Payment of the final quarter's fees and any past due fees must be made before the effective date of a confirmed Plan of Reorganization.**

**Quarterly fees should be mailed with the proper transmittal form to:**

**United States Trustee**

**P.O. Box 198246**

**Atlanta, Georgia 30384**

**The address shown above is a lockbox at a bank. It may NOT be used for service of process, correspondence or any purpose other than payment of quarterly fees.**

**If you do not have the proper form, or do not timely receive a bill for quarterly fees from the Executive Office for United States Trustees, contact the local office of the U.S. Trustee immediately at (904) 942-8899.**

**AMENDMENTS TO OPERATING REQUIREMENTS**  
**and**  
**SOLICITATION OF COMMENTS AND SUGGESTIONS**

The United States Trustee reserves the right to revise, modify or amend these guidelines and requirements from time to time, and as is appropriate in individual cases. Comments or suggestions regarding these guidelines or other policies and procedures of the Office of the United States Trustee are welcomed and appreciated and should be directed to the United States Trustee for Region 21 at the address shown below:

**DONALD F. WALTON**  
**ACTING UNITED STATES TRUSTEE**  
**REGION 21**

**362 Richard Russell Building**  
**75 Spring Street, S.W.**  
**Atlanta, Georgia 30303**

**INSTRUCTIONS FOR PREPARATION OF DEBTOR'S**  
**CHAPTER 11 MONTHLY FINANCIAL REPORT FOR BUSINESS**

Debtors-in-Possession and Trustees must file with the Bankruptcy Court, and serve on the U.S. Trustee, financial reports reflecting the activities of debtor's business each month. These reports are to be submitted by the 20th of the month following the reporting period. The attached forms are to be used by debtors who use cash basis accounting. Debtors who use accrual accounting methods must contact the Office of the U.S. Trustee to determine the type of financial information to be submitted. The following comments are provided to assist in preparation of the forms provided by the U.S. Trustee.

**CHAPTER 11 MONTHLY FINANCIAL REPORT**

**Item 1. Cash at Beginning of Period.** For your first report this will be the amount of cash-on-hand and cash in all bank accounts at the time of filing. For subsequent reports this will normally be the cash balance from the prior report.

**Item 2.D. Other Receipts.** Note all cash receipts including, but not limited to, any loans received by the debtor.

**Item 6. Total Cash Disbursements.** This figure is used to determine the quarterly fees due the U.S. Trustee.

**Attachment 4. Bank Reconciliation.** A separate attachment is required for each bank account, including savings accounts and negotiable instruments (e.g. certificates of deposit, money market accounts, stocks or bonds).

**Attachment 5. Check Register.** Itemize all checks written on all accounts. Debtors using computerized systems may submit computer-generated register. Include bank accounts used for credit card collections.

**Attachment 6. Monthly Tax Report.** Note all payroll tax deposits made during the period and attach copies of the payroll tax receipts.

**Attachment 7. Proof of Insurance.** This information must be submitted each month even if there has been no change in insurance coverage. If a new policy is issued, coverage is changed, limits are changed, or if there is any other change in insurance coverage, a copy of the new certificate of insurance reflecting such changes must be attached.

The required reports with attachments should be stapled together and filed with the cover sheet showing the name, address and telephone number of debtor and debtor's attorney.

Failure to submit Monthly Reports will seriously jeopardize your case, and may result in the dismissal or conversion of your case to a Chapter 7. If you have any questions regarding these reports which your attorney cannot answer, your attorney should contact the attorney or bankruptcy analyst in the U.S. Trustee's office who is assigned to your case.

**LOCAL FORM #3(b)**

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF FLORIDA

\_\_\_\_\_DIVISION

**IN RE: I CASE NUMBER**

**I \_\_\_\_\_**

**I**

**I JUDGE KILLIAN**

**I**

**DEBTOR. I CHAPTER 11**

**DEBTOR'S MONTHLY FINANCIAL REPORTS (BUSINESS)**

**FOR THE PERIOD**

**FROM \_\_\_\_\_ TO \_\_\_\_\_**

**Comes now the above-named debtor and files its Periodic Financial Reports in accordance with the Guidelines established by the United States Trustee and FRBP 2015.**

---

**Attorney for Debtor**

**Debtor's Address Attorney's Address**

**and Phone Number: and Phone Number:**

**MONTHLY FINANCIAL REPORT FOR BUSINESS**

**FOR THE PERIOD BEGINNING \_\_\_\_\_ AND ENDING \_\_\_\_\_**

**Name of Debtor: \_\_\_\_\_ Case Number: \_\_\_\_\_**

**Date of Petition:**

**CURRENT CUMULATIVE**

**MONTH PETITION TO DATE**

**1. CASH AT BEGINNING OF PERIOD**

**2 RECEIPTS:**

**A. Cash Sales**

**Less: Cash Refunds**

**Net Cash Sales**

**B. Collection on Postpetition A/R**

**C. Collection on Prepetition A/R**

**D. Other Receipts (Attach List)**

**(If you receive rental income,  
you must attach a rent roll.)**

**3. TOTAL RECEIPTS**

**4. TOTAL CASH AVAILABLE FOR  
OPERATIONS (Line 1 + Line 3)**

**5. DISBURSEMENTS**

**A. U.S. Trustee Quarterly Fees**

**B. Net Payroll**

**C. Payroll Taxes Paid**

**D. Sales and Use Taxes**

**E. Other Taxes**

**F. Rent**

**G. Other Leases (Attachment 3)**

**H. Telephone**

**I. Utilities**

**J. Travel & Entertainment**

**K. Vehicle Expenses**

**L. Office Supplies**

**M. Advertising**

**N. Insurance (Attachment 7)**

**O. Purchases of Fixed Assets**

**P. Purchases of Inventory**

**Q. Manufacturing Supplies**

**R. Repairs & Maintenance**

**S. Payments to Secured Creditors**

**T. Other Operating Expenses**

**(Attach List)**

**6. TOTAL CASH DISBURSEMENTS**

**7. ENDING CASH BALANCE**

**(LINE 4 - LINE 6)**

**I declare under penalty of perjury that this statement and the accompanying documents and reports are true and correct to the best of my knowledge and belief.**

**Signature of Debtor Date**

**Print Name**

## **ATTACHMENT 1**

### **MONTHLY ACCOUNTS RECEIVABLE AGING AND RECONCILIATION**

**Name of Debtor: \_\_\_\_\_ Case Number: \_\_\_\_\_**

**Reporting Period beginning and ending \_\_\_\_\_**

**ACCOUNTS RECEIVABLE AT PETITION DATE:** \_\_\_\_\_

**ACCOUNTS RECEIVABLE RECONCILIATION (Include all accounts receivable, pre-petition and post-petition, including charge card sales which have not been received):**

**Beginning of Month Balance** \_\_\_\_\_

**PLUS: Current Month New Billings** \_\_\_\_\_

**LESS: Collection During the Month** \_\_\_\_\_

**End of Month Balance** \_\_\_\_\_

---

**AGING: (Show the total amount for each age group of accounts  
incurred since filing the petition)**

**0-30 Days 31-60 Days 61-90 Days Over 90 Total  
Days**

---

## **ATTACHMENT 2**

### **MONTHLY ACCOUNTS PAYABLE AND SECURED PAYMENTS REPORT**

**Name of Debtor:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Reporting Period beginning** \_\_\_\_\_ **and ending** \_\_\_\_\_

**In the space below list all invoices or bills incurred and not paid since the filing of the petition. Do not include amounts owed**

**prior to filing the petition.**

**Date Days**

**Incurred Outstanding Vendor Description Amount**

---

**ACCOUNTS PAYABLE RECONCILIATION (Post Petition Only):**

**Opening Balance (total from prior report) \_\_\_\_\_**

**PLUS: New Indebtedness Incurred This Month \_\_\_\_\_**

**LESS: Amount Paid on Prior Accounts Payable \_\_\_\_\_**

**Ending Month Balance \_\_\_\_\_**

---

**SECURED: List the status of Payments to Secured Creditors and Lessors (Post Petition Only)**

**Number Total**

**of Post Amount of**

**Secured Date Petition Post Petition**

**Creditor/ Payment Payment Payments Payments**

**Lessor Due Amount Delinquent Delinquent**



**ATTACHMENT 3****INVENTORY AND FIXED ASSETS REPORT****Name of Debtor:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_**Reporting Period beginning** \_\_\_\_\_ **and ending** \_\_\_\_\_**INVENTORY REPORT****INVENTORY BALANCE AT PETITION DATE:** \_\_\_\_\_**INVENTORY RECONCILIATION:****Inventory Balance at Beginning of Month** \_\_\_\_\_**Inventory Purchased During Month** \_\_\_\_\_**Inventory Used or Sold** \_\_\_\_\_**Inventory On Hand at End of Month** \_\_\_\_\_**METHOD OF COSTING INVENTORY:** \_\_\_\_\_**FIXED ASSET REPORT****FIXED ASSETS FAIR MARKET VALUE AT PETITION DATE:** \_\_\_\_\_**(Includes Property, Plant and Equipment)****BRIEF DESCRIPTION (First Report Only):** \_\_\_\_\_

**FIXED ASSETS RECONCILIATION:****Fixed Asset Book Value at Beginning of Month****LESS: Depreciation Expense****PLUS: New Purchases****Ending Monthly Balance****BRIEF DESCRIPTION OF FIXED ASSETS PURCHASED OR DISPOSED  
OF DURING THE REPORTING PERIOD: \_\_\_\_\_**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**ATTACHMENT 4****MONTHLY BANK ACCOUNT RECONCILIATION****Name of Debtor: \_\_\_\_\_ Case Number: \_\_\_\_\_****Reporting Period beginning and ending**

**A separate sheet is required for each bank account, including all savings and investment accounts, i.e. certificates of deposits, money market accounts, stocks and bonds, etc.**

**NAME OF BANK: \_\_\_\_\_ BRANCH: \_\_\_\_\_**

**ACCOUNT NAME:** \_\_\_\_\_

**ACCOUNT NUMBER:** \_\_\_\_\_

**PURPOSE OF ACCOUNT:** \_\_\_\_\_

**Beginning Balance**

**Total of Deposits Made** \_\_\_\_\_

**Total Amount of Checks Written**

**Service Charges**

**Closing Balance**

**Number of First Check Written This Period** \_\_\_\_\_

**Number of Last Check Written this Period** \_\_\_\_\_

**Total Number of Checks Written this Period** \_\_\_\_\_

## **INVESTMENT ACCOUNTS**

**Type of Negotiable**

**Instrument Face Value Purchase Price Date of Purchase**

## **ATTACHMENT 5**

### **CHECK REGISTER**

**Name of Debtor: Case Number:**\_\_\_\_\_

**Reporting Period beginning** \_\_\_\_\_ **and ending**

**NAME OF BANK:** \_\_\_\_\_ **BRANCH:** \_\_\_\_\_

**ACCOUNT NAME:** \_\_\_\_\_

**ACCOUNT NUMBER:** \_\_\_\_\_

**PURPOSE OF ACCOUNT:** \_\_\_\_\_

**Account for All Check Numbers, Including Voided, Lost, Stopped  
Payment, Etc.**

**Date Check Number Payee Purpose Amount**

\_\_\_\_\_

## **ATTACHMENT 6**

### **MONTHLY TAX REPORT**

**Name of Debtor:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Reporting Period beginning** \_\_\_\_\_ **and ending** \_\_\_\_\_

**TAXES PAID DURING THE MONTH**

**Report all post-petition taxes paid directly or deposited into the tax account.**

**Date Bank Description Amount**

**TAXES OWED AND DUE**

**Report all unpaid post-petition taxes including Federal and State withholding FICA, State sales tax, property tax, unemployment tax, and State workmen's compensation. Date last tax return filed\_\_\_\_\_.**  
**Period\_\_\_\_\_.**

**Name of Date**

**Taxing Payment**

**Authority Due Description Amount**

**ATTACHMENT 7****SUMMARY OF OFFICER OR OWNER COMPENSATION****SUMMARY OF PERSONNEL AND INSURANCE COVERAGES**

**Name of Debtor:** \_\_\_\_\_ **Case Number:**

**Reporting Period beginning** \_\_\_\_\_ **and ending**

**Report all compensation received during the month. Do not include reimbursement for expenses incurred for which you have receipts.**

**Name of Officer or Owner - Title - Amount Paid**

---

### **PERSONNEL REPORT**

**Full Time Part Time**

**Number of employees at beginning of period** \_\_\_\_\_

**Number hired during the period** \_\_\_\_\_

**Number terminated or resigned during period** \_\_\_\_\_

**Number of employees on payroll at end of period**

---

### **CONFIRMATION OF INSURANCE**

**List all policies of insurance in effect, including but not limited to workers' compensation, liability, fire, theft, comprehensive, vehicle, health and life.**

**Agent & Date**

**Phone Coverage Expiration Premium**

**Carrier Number Policy No. Type Date Due**

## **ATTACHMENT 8**

### **SIGNIFICANT DEVELOPMENTS DURING REPORTING PERIOD**





**We anticipate filing a Plan of Reorganization and Disclosure Statement on or before \_\_\_\_\_.**

**LOCAL FORM #3(c)**

**DEBTOR'S MONTHLY FINANCIAL REPORTS (INDIVIDUAL)**

**FOR THE PERIOD**

**FROM \_\_\_\_\_ TO \_\_\_\_\_**

**Comes now the above-named debtor and files its Periodic Financial Reports in accordance with the Guidelines established by the United States Trustee and FRBP 2015.**

---

**Attorney for Debtor**

**Debtor's Address Attorney's Address**  
**and Phone Number: and Phone Number:**

**CHAPTER 11 MONTHLY REPORT FOR INDIVIDUAL DEBTORS**

**Name of Debtor:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Reporting Period beginning** \_\_\_\_\_ **and ending** \_\_\_\_\_

**All items must be answered. Any which do not apply should be answered**  
**"none" or "N/A".**

**1. Cash on Hand** \_\_\_\_\_

**2. Income or Receipts during reporting**

**period:**

**a. Salary and commissions** \_\_\_\_\_

**b. Interest or dividends** \_\_\_\_\_

**c. Rent** \_\_\_\_\_

**d. Other: (detail on attachment)** \_\_\_\_\_

**Total Income or Receipts** \_\_\_\_\_

**(If you receive rental income you  
must attach a rent roll.)**

**3. Disbursements:**

- a. U.S. Trustee Quarterly Fees** \_\_\_\_\_
- b. Federal Taxes** \_\_\_\_\_
- c. State Taxes** \_\_\_\_\_
- d. Other Taxes** \_\_\_\_\_
- e. Utilities** \_\_\_\_\_
- f. Mortgage and Rent** \_\_\_\_\_
- g. Insurance Premiums** \_\_\_\_\_
- h. Food** \_\_\_\_\_
- i. Medical/Dental** \_\_\_\_\_
- j. Loan Payments** \_\_\_\_\_
- k. Transportation** \_\_\_\_\_
- l. Clothing** \_\_\_\_\_
- m. Gifts and Donations** \_\_\_\_\_
- n. Tuition/Education** \_\_\_\_\_
- o. Other: (detail on attachment)** \_\_\_\_\_

**Total Disbursements** \_\_\_\_\_

**4. Balance at end of reporting period**

**(add line 1 to Total Income or Receipts,  
then subtract Total Disbursements)** \_\_\_\_\_

**5. Are you paying all of your bills as they come due? (If not,  
on a separate sheet list those bills which have come due  
during the reporting period which have not been paid.)**

\_\_\_\_ Yes \_\_\_\_ No

**6. Have you paid all insurance premiums which have come due during  
this reporting period? (If not, on a separate sheet list the ones not paid.)**

\_\_\_\_ Yes \_\_\_\_ No

**7. Have you filed all quarterly tax returns and paid all taxes as they became due? \_\_\_\_ Yes \_\_\_\_ No.**

**8. On a separate sheet list each bank account that you have, giving the account number, the name the account is in, the name of the bank and the name of the branch where the account was opened, and attach that list.**

**9. On a separate sheet attach a list of all checks written during the reporting period.**

**I declare under penalty of perjury that this statement and the accompanying documents and reports are true and correct to the best of my knowledge and belief.**

---

**Signature of Debtor Date**

---

**Print Name**

**LOCAL FORM #4**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
DIVISION**

IN RE:

CASE NO.

CHAPTER 11

Debtor(s) /

**ORDER CONTINUING DEBTOR IN POSSESSION, AUTHORIZING  
CONTINUATION OF BUSINESS COMBINED WITH AUTOMATIC STAY AND  
SPECIFIC INJUNCTION AND ON OTHER RELATED MATTERS**

**THIS CAUSE** coming on to be heard upon the verified petition of , filed herein on , and it appearing therefrom that said petition complies with the requirements of Chapter 11 of Title 11, United States Code and that it was filed in good faith, and this Court, being vested with exclusive jurisdiction over said Debtor and his property, wherever located, finding that, pending further order or hearing held after notice pursuant to application by an interested party, the Debtor-in-Possession should be authorized to continue his business and manage his property and that specific injunctive relief and notice thereof should be given in addition to the automatic injunctive provisions of §362 of Title 11, United States Code, it is therefore

**ORDERED AND NOTICE IS HEREBY GIVEN that:**

1) The Debtor, , as Debtor-in-Possession, be and it hereby is authorized and allowed to remain in full operation of its business and to manage its property as a Debtor-in-Possession, consistent with all applicable provisions of Chapter 11 of Title 11 of the United States Code, until further order of this Court and in such capacity, being subject to the same duties, responsibilities, and liabilities as a trustee of the estate, as provided in §1107 of Chapter 11 of Title 11, United States Code, and shall, subject to the provisions of §363 and §364;

a) have full power and authority to conduct the continued operation of its business, including the authority to buy and sell merchandise, supplies and other property in the ordinary

course of business for cash or by obtaining trade credit, to continue the employment of all present employees at present salaries and wages, to purchase or otherwise acquire for cash or by obtaining trade credit, such materials, equipment, machinery, supplies, services or other property as it may deem necessary and advisable in the ordinary course of business and in connection with the prudent operation and preservation and protection of the business, to enter into any contracts incidental to the normal and usual operation of said business and the management and preservation of said property, to keep the property of the within estate insured in such manner and to such extent as it may deem necessary and advisable, to collect and receive all income and profits, and all outstanding accounts and credits due or to become due to the within estate, and to hold and retain all monies thus received in excess of the expenses of operation to the end that the same may be applied under this or different or further orders of this Court, and to pay and discharge out of any funds now or hereafter coming into its hands, all taxes and similar charges lawfully incurred in the operation of its business and the preservation and maintenance of its properties since the filing of said petition;

b) close the present books of account as of the close of business on the date of the entry of this order, and shall open new books of account, as of the opening of business on the next succeeding business day, in which new books of account shall be kept proper accounts of the earnings, expenses, receipts, disbursements and all obligations incurred and transactions had in the operation of the business and the management, preservation and protection of the property of the within estate; and said Debtor-in-Possession shall preserve proper vouchers for all payments made on account of such disbursements;

c) close the existing bank accounts of the debtor and open new accounts in the name of the debtor-in-possession. All deposits or investments of money of the estate must be made in accordance with 11 U.S.C. §345 and Rule 5008. The report required under Rule 5008(b) shall be submitted within thirty (30) days of the date the petition was filed.

**2) Pursuant to §362 of Title 11, United States Code, the filing of said petition operates, without notice, as an automatic stay of the commencement or continuation of any court or other**

**proceeding against the Debtor, of the enforcement of any judgment against it, or of any act or the commencement or continuation of any court proceeding to enforce any lien against its property, or of any court proceeding. Proceedings, acts or conduct in contravention of this automatic stay are subject to invalidation and further sanctions by the Court as authorized by law.**

**3) Pursuant to §1334(d) of Title 28, United States Code and Rule 7004(d), the jurisdiction and process of this Court extends throughout the United States.**

**4) Until final decree or the further order of this Court, all creditors and stockholders, and all sheriffs, marshals, and other officers, and their respective attorneys, servants, agents and employees, and all other persons, firms and corporations, wheresoever located, be, and they hereby are, jointly and severally, enjoined and stayed from commencing or continuing in any court or other forum or otherwise any action at law or suit or proceeding against said Debtor or any trustees which may hereafter be appointed by this Court or from executing or issuing or causing the execution or issuance out of any court or other authority and writ, process, summons, attachment, subpoena, replevin, execution, or other process for the purpose of impounding or taking possession of or interfering with or enforcing a lien upon any property owned by or in the possession of the said Debtor or any said trustees appointed by the Court, and from doing any act or thing whatsoever to attempt execution or enforce any lien or interfere with the possession or management by said Debtor or said trustees of the property and assets of the within estate, or in any way interfere with said Debtor, or any said trustee in the discharge of their duties, or to interfere in any manner during the pendency of this proceeding with the exclusive jurisdiction of this Court over said Debtor and its property and said trustees and their performance of their duties or their title, control and disposal of said properties and all persons, firms or corporations owning any lands or buildings occupied by said Debtor or said trustees or wherein is contained any property of the within estate be, and they hereby are, jointly and severally, stayed, pending the further order of this Court, from removing or interfering with any such property.**

**5) All persons, firms and corporations with contractual relations or other duties to the Debtor at the time of the filing of the petition, shall fully and timely perform and discharge those obligations and duties until relieved therefrom by order of this Court.**

**6) All persons, firms and corporations are enjoined and stayed until further order of this Court from disturbing, interfering with, or interrupting utility services, including, but not limited to, the furnishing of gas, heat, electricity, water, telephone (including present telephone numbers) or any other utility of like kind furnished the Debtor-in-Possession.**

**7) That all persons holding books, records, real or personal property or assets of the company of any kind whatsoever, including but not limited to monies, mortgages, choses in action, etc., are directed to forthwith turn over such assets to the Debtor upon its request and presentment of a copy of this order without further order of this Court.**

**8) The Debtor-in-Possession shall forthwith report to this Court any act or actions by any persons, firms, or corporations interfering with or obstructing the performance of the duties of the Debtor as set forth herein. The Debtor-in-Possession shall permit any such person access to the books and records relating to the account of such persons, firms, or corporations, including lending institutions, for the purposes of audit of said accounts in accordance with practice and procedure heretofore or hereafter established and followed in regard to such accounts and audits.**

**9) Subject to the provisions of §364, the Debtor-in-Possession be and it is hereby empowered to obtain goods on credit and to borrow funds in the name of the Debtor-in-Possession in the ordinary course of business and to take possession of the funds and to pay and discharge said funds in order to meet the current obligations of the Debtor-in-Possession. The debts created by such extensions of credit and borrowings of the Debtor-in-Possession are, in each case, to be secured by a pledge of the inventory obtained as a result thereof, and further secured by pledge of the first proceeds realized upon sale of said inventory or processed material arising therefrom. Further, upon approval by the Court, said debts will be accorded priority superior to unsecured debts existing at the time of the filing of the Debtor's**

**petition. The Debtor-in-Possession may obtain credit other than in the ordinary course of business only upon application and approval by the Court.**

**10) This Court reserves the full right, power and jurisdiction to direct the affirmance or rejection of any and all contracts of the Debtor, executed in whole or in part, and the continued operation by said Debtor under any such contracts, pending further**

order of this Court in respect thereto, shall not be deemed to preclude the Debtor, or this Court, in respect to such rights of rejection, to apply for and to make from time to time such orders as it shall deem proper in execution of the powers conferred by Title 11, United States Code, and in general, to make such orders amplifying, extending, limiting or otherwise modifying this Order and any and all other orders hereafter made herein, as to the Court at any time may seem proper.

11) During the aforesaid operation and management herein authorized, the debtor-in-possession shall file with the court and with the members of the Creditors Committee, the monthly report required under Rule 2015. The report for each month's operation shall be signed by the debtor or an officer of the debtor and shall be filed not later than the 20th day of the following month, i.e., a report for June's operation shall be filed on or before July 20th. As a minimum, each report shall specifically include a balance sheet, a profit and loss statement, and a statement of changes in financial position (cash). The report shall further state whether or not the debtor has paid all current operating expenses, including current taxes, and, if not, the extent to which they remain unpaid. The report shall list all current operating expenses unpaid at the end of each month.

If said reports are not timely filed, the case shall be sua sponte dismissed without further notice or hearing.

**DONE AND ORDERED** at Tallahassee, Florida, this day of , 199\_.

LEWIS M. KILLIAN, JR.

U. S. Bankruptcy Judge

## LOCAL FORM #5

### UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF FLORIDA DIVISION

IN RE:

CASE NO.

CHAPTER: 11

Debtor(s) /

### ORDER TO FILE FEDERAL AND STATE EMPLOYMENT TAX RETURNS AND TO DEPOSIT STATE AND FEDERAL TAXES

To ensure that the debtor makes deposits of all taxes and monies withheld from employees for taxes due under any law of the United States, the State of Florida, or any locality, and to cause the debtor to file timely employment tax returns, it is

**ORDERED** that the debtor shall file all past due delinquent federal or state tax returns or reports, within thirty (30) days from the date of this order. The delinquent federal returns shall be filed with the Internal Revenue Service, Post Office Box 35045, Jacksonville, 32202, Attn: Special Procedures Staff, Stop 5720. The delinquent state returns shall be filed with the State of

Florida, Department of Revenue, Post Office Box 6668, Tallahassee, 32314-6668. Any delinquent unemployment compensation tax reports shall be filed with the Department of Labor and Employment Security, Collections Office, 302 Caldwell Building, 101 East Madison St., Tallahassee, 32399-0218.

**IT IS ORDERED** that the debtor shall deposit within three (3) banking days after each payroll is made, in a Federal Reserve Bank or commercial bank authorized to accept remittances of the taxes for transmission to a Federal Reserve Bank, the aggregate of the employer's share of social security taxes, plus all withholding, social security and excise taxes so deducted, withheld, collected, or otherwise due by the debtor. The deposit shall be made with a cashier's or certified check and accompanied by Form 8109, Federal Tax Deposit Withheld Income and FICA Taxes.

It is also directed that the debtor deposit federal unemployment tax quarterly by the end of the month following a quarter. This deposit must be by cashier's or certified check and a federal tax deposit Form 8109 must accompany each such deposit.

If for any reason federal tax deposit Form 8109 is unavailable, the deposit shall be mailed, within the time limits described above, to Internal Revenue Service, Post Office Box 35045, Jacksonville, Florida, 32202, Attn: Special Procedures Staff, Stop 5720.

**IT IS ORDERED** that the debtor shall timely file all federal employment tax returns with the Internal Revenue Service Center at Chamblee, Georgia 30006, and remit any unpaid balances or other required amounts of taxes at that time.

**IT IS FURTHER ORDERED** that the debtor shall maintain copies of all tax returns, reports, and proof of deposit payments and make these available, upon request, for inspection by any representative of the appropriate taxing agency.

**DONE AND ORDERED** at Tallahassee, Florida, this day of , 199\_.

LEWIS M. KILLIAN, JR.

U.S. Bankruptcy Judge

## **LOCAL FORM #6**

### **CHAPTER 11 - VOTE ON PLAN**

**DEBTOR:**

**CASE NUMBER:**

**LAST DATE FOR BALLOTS:**

**DATE OF HEARING TO TABULATE VOTE:**



Name of Creditors and Class Number	Amount of Claim	Claim Number	Accept	Reject
------------------------------------	-----------------	--------------	--------	--------

## **CHAPTER 11 - VOTE ON PLAN**

**DEBTOR:**

**CASE NO.:**

### **SUMMARY**

**CLASS**

**TOTAL NUMBER OF CLAIMS VOTING:**

**TOTAL NUMBER OF CLAIMS ACCEPTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS VOTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS ACCEPTING:**

\*

**CLASS**

**TOTAL NUMBER OF CLAIMS VOTING:**

**TOTAL NUMBER OF CLAIMS ACCEPTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS VOTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS ACCEPTING:**

\*

**CLASS**

**TOTAL NUMBER OF CLAIMS VOTING:**

**TOTAL NUMBER OF CLAIMS ACCEPTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS VOTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS ACCEPTING:**

\*

**CLASS**

**TOTAL NUMBER OF CLAIMS VOTING:**

**TOTAL NUMBER OF CLAIMS ACCEPTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS VOTING:**

**TOTAL DOLLAR AMOUNT OF CLAIMS ACCEPTING:**

\*

**\*Indicate if more or less than 2/3 of amount voting.**

**LOCAL FORM #7**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA

EXHIBIT AND WITNESS LIST

vs.

CASE NUMBER:

PRESIDING JUDGE  
TRIAL DATE(S)

PLAINTIFF'S ATTORNEY  
COURT REPORTER

DEFENDANT'S ATTORNEY  
COURTROOM DEPUTY

PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES
-------------	-------------	-----------------	--------	----------	--

\*Includes a notation as to the location of any exhibit not held with the case file or not available because of size.

### EXHIBIT AND WITNESS LIST - CONTINUATION

<b>VS.</b>			Case No.		
PLF. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES

Page of Pages

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

RECEIVED AS EXHIBIT NO.

Case No.

Adversary No.

For ID. In Evidence

Plaintiff

Defendant

This day of , 199

LEWIS M. KILLIAN, JR.

BANKRUPTCY JUDGE

**LOCAL FORM #8**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
DIVISION

IN RE: ) CASE NUMBER

)

) JUDGE KILLIAN

)

DEBTOR. ) CHAPTER 11

REPORT AND NOTICE OF TRUSTEE'S  
INTENTION TO ABANDON PROPERTY OF THE ESTATE

TO: Debtor(s), Creditors, and Parties in Interest

NOTICE IS HEREBY GIVEN that the trustee/debtor-in-possession intends to abandon the following property(ies) of the estate:

ITEM PROPERTY LIENHOLDER(S) AMOUNT OF FAIR



<u>NO.</u>	<u>DESCRIPTION</u>	<u>NAME &amp; ADDRESS</u>	<u>SECURED CLAIM</u>	<u>MARKET VALUE</u>
------------	--------------------	---------------------------	----------------------	---------------------

Said property is being abandoned for the following reasons:

1) The secured creditors hold a valid, perfected security interest on the property and the balance due exceeds the fair market value of the property, or

2) The property(ies) are worthless and unsalable.

3) The cost of preservation and cost of sale of the property(ies) is greater than the price which could be realized from liquidation of same.

NOTICE IS HEREBY GIVEN that all objections of the proposed abandonment shall be in writing and shall be filed with the United States Bankruptcy Court, (insert appropriate mailing address), and a copy of same shall be served on the trustee within fifteen (15) days from the date of mailing of this notice. All objections to the sale must state the basis for the objection and shall include a request for hearing if one is desired. If no objections are filed, the abandonment shall be deemed to be final.

DATED:

TRUSTEE

NAME:

ADDRESS:

TELEPHONE NO.

## LOCAL FORM #9

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF FLORIDA

DIVISION

IN RE: ) CASE NUMBER

)

) JUDGE KILLIAN

)

DEBTOR. ) CHAPTER 11

REPORT AND NOTICE OF INTENTION TO

SELL PROPERTY OF THE ESTATE

TO: Debtor(s), Creditors, and Parties in Interest

NOTICE IS HEREBY GIVEN that the trustee/debtor-in-possession intends to sell the following property of the estate of the debtor(s), under the terms and conditions set forth below.

1. Description of property:

(or) See Schedule Attached

2. Manner of Sale: Private ( ) \* Public Auction ( )

3. Terms of Sale: (include purchaser if known, price, price terms, whether or not sale is free and clear of liens, names and address of lienors, and all other pertinent information.)

\* (Applicable to private sales only.) The trustee will entertain any higher bids for the purchase of the assets of the debtor(s) which the trustee proposes to sell. Such bids must be in writing and accompanied by a deposit of % of the proposed higher purchase price. Any higher bid must be received by the trustee at the address listed below no later than the close of business on .

NOTICE IS HEREBY GIVEN that all objections to the sale described above shall be in writing and shall be filed with the United States Bankruptcy Court, (insert appropriate mailing address), and a copy of same shall be served on the trustee within fifteen (15) days from the date of mailing of this notice. All objections to the sale must state the basis for the objection. If no objection is filed, the sale described above will take place.

DATED:

TRUSTEE

NAME:

ADDRESS:

TELEPHONE NO.

## **LOCAL FORM #10**

### **CHAPTER 12 CASE**

#### **SUMMARY OF OPERATIONS - FAMILY FARMER**

(This report must be filed with the Chapter 12 Trustee  
five (5) days before the First Meeting of Creditors)

NAME OF DEBTOR:

CASE NO:

#### **I. NUMBER OF ACRES:**

Owned:

Leased (list by parcel) Amount or % of Rent  
received by Debtor

#### **II. LIVESTOCK AND POULTRY**

Number of (list by kind)

III. RESULTS OF LAST CROP SEASON:

A. Crop Grown:

NUMBER YIELD YIELD TOTAL QUANTITY AMOUNT  
ACRES PER AMOUNT SALES SOLD OR LIEN ON  
CROP PLANTED ACRE SOLD PRICE SEALED STORE CROP

(List by crop)

B. Livestock and Poultry Sold Last Year:

Livestock Number Total Price

(List by kind) \$

C. Total Income Last Year from Products Sold:

(i.e. milk, eggs, wool, hides, etc.)

(List by kind) \$

Have you made an assignment of proceeds?

(YES/NO)

If yes, to whom:

IV. CURRENT OR PROPOSED FARMING SEASON:

A. Crops:

ESTIMATED\*\*

ESTIMATED\* PRICE PER TOTAL

CROP NO. OF ACRES YIELD UNIT PROCEEDS

(list by kind)

**Total Proceeds - all crops \$**

\* Assuming normal moisture and growing conditions

\*\* State your estimate of market price per unit or government support (loan) price if you are eligible for government support program

B. Estimated Income From Livestock and Poultry Operation:

Livestock Number Estimated

and Poultry to be Sold Total Price

(list by kind)

**Total Livestock and Poultry Sales Price \$**

C. Total Estimated Crop, Livestock and Poultry Income \$

V. CURRENT OR PROPOSED CROP SEASON - ESTIMATED EXPENSES

A. Operating Expenses:

EXPENSES AMOUNT

Fuel \$

Seed

Feed

Fertilizer

Herbicides, Pesticides  
or other Chemicals

Equipment Rental

Electric & Phone Bills

Repairs

Crop Insurance

Other Insurance

Real Estate Taxes

Cash Rent on Leased Land

Combining and/or Drying  
Expense

Processing costs

Hired Labor

Other

Total Estimated Operating Expenses \$

If you have an operating loan for the current or proposed crop season, state amount \$ and name and address of lender

and security given or pledged

B. Payments on Secured Debt.

Cash rents (if not included in Part A above): \$

Crop Share Rents - State # of bushels/pounds and dollar value: \$

Real Estate Mortgage and Contract for Deed (purchase agreement)

payments:

To whom: Amount

Total Amount \$

Annual Payment due on Equipment Purchase Contracts:

To whom: Amount

Total Amount \$

Payments on Loans Secured by Equipment, Crops or Livestock:

To whom: Date Paid: Amount

Total Amount \$

Total Payments on Secured Debt \$

C. Total Operating Expenses and Payments On Secured Debt \$

## VI. NET ESTIMATED OPERATING PROFIT OR LOSS

(Total Receipts from Item IV(C) less Total Expenses &

Payments from Item V(C) \$

A. Estimated Household and Family Cash Living Expenses (subtract from net profit or add to net loss) \$



B. Estimated state, local and Federal Income Taxes on Net

Profit \$

C. Total of A and B \$

D. Disposable Income from Farming (Subtract C from amount entered on line  
at VII) \$

E. Income from other than Farming \$

F. Total Disposable Income \$

## LOCAL FORM #11

Month of , 19

### CHAPTER 12 CASE

NAME OF DEBTOR:

### MONTHLY CASH RECEIPTS AND DISBURSEMENTS

(Report on a cash basis, unless you keep financial records on an accrual basis)

I. Cash Received During Month (Itemize):

Item & Quantity Sold Amount

\$

New loan received this month (if any)

Wages earned from outside work

Other receipts:

TOTAL CASH RECEIPTS \$

II, Expenses Paid:

Total amount paid for household or living expense \$

Item Amount

\$

Plan payments made to Chapter 12 Trustee

TOTAL EXPENSES PAID DURING MONTH \$

Losses due to crop failure or damage

Losses due to death or disease of livestock

or poultry

PROFIT (OR LOSS) FOR MONTH \$

III. Cash Reconciliation:

Cash and Bank Accounts Balance at Beginning  
of Month: \$

Income (or Loss) During Month:

Cash and Bank Account Balance at End of Month \$

IV. Expenses Charged But Not Paid During Month (Itemize)

Expense Amount

\$

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE READ THE FOREGOING STATEMENT, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

DATE DEBTOR/OFFICER OF DEBTOR

**LOCAL FORM #12**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
DIVISION

IN RE:

CASE NO.

CHAPTER

Debtor(s) /

**ORDER OF DEPOSIT AND INVESTMENT**

Upon consideration of the motion (name of movant) to deposit funds in the registry of the Court and the investment of said sums in an interest-bearing account. It is the opinion of this Court that the funds on deposit in this cause should be invested as it is in the best interest of the parties herein. It is therefore

ORDERED that the Clerk accept and deposit into the registry of the Court the sum of \$\_made by (movant) in this cause. It is further

ORDERED that the Clerk promptly and properly invest said monies as stipulated and deduct the registry fee from the income earned at the conclusion of the case.

DONE AND ORDERED at Tallahassee, Florida, this day of , 199\_.

LEWIS M. KILLIAN, JR.

U. S. Bankruptcy Judge

**LOCAL FORM #13**

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF FLORIDA

DIVISION

IN RE:

Case No.

Chapter

Debtor(s) /

## ORDER AND NOTICE OF PRELIMINARY HEARING

having filed a motion for relief from stay,

NOTICE IS HEREBY GIVEN that if a response opposing the motion is filed pursuant to L.R. 507(c), a preliminary hearing will be held before the undersigned Bankruptcy Judge by telephone conference, on , 19\_, between the times of a.m./p.m. and a.m./p.m. to consider and act upon the motion.

Upon the filing of a response in opposition, the clerk will notify the parties of the specific time of the hearing. **IF NO RESPONSE IS FILED, NO HEARING WILL BE HELD AND THE MOTION MAY BE GRANTED BY THE COURT.**

IT IS HEREBY ORDERED AND NOTICE FURTHER GIVEN that:

- a) The preliminary hearing shall be non-evidentiary unless otherwise noticed and will be restricted to the documents of record and the argument of counsel. Testimony of witnesses will not be permitted.
- b) Within five (5) days after the date of this Order, the movant shall file and serve on the debtor and the trustee, if one has been appointed, supporting affidavits and such other documents demonstrating that the movant is entitled to relief. Depending upon the grounds upon which the motion is based, these shall include the following as appropriate.
  - 1) a supporting affidavit of indebtedness;
  - 2) a supporting affidavit and documents establishing secured status;
  - 3) an appraisal or affidavit of value;
  - 4) an affidavit showing such other facts as may be necessary to demonstrate the movant's right to relief.
- c) Within fifteen (15) days of the date of this order if they oppose the motion for relief, the debtor and/or trustee shall file and serve on the movant a response which shall be accompanied by such supporting affidavits or appraisals as applicable.
- d) Motions that cannot be disposed of at the preliminary hearing will be set for an evidentiary final hearing within thirty (30) days, unless such time requirement is otherwise waived by the movant.

DONE AND ORDERED at Tallahassee, Florida, this day of , 19\_.

LEWIS M. KILLIAN, JR.

U. S. Bankruptcy Judge

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